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A
L E T T E R

TO THE HONOURABLE

The Directors of the East-India Company,

FROM

ANDREW STUART, Esq;

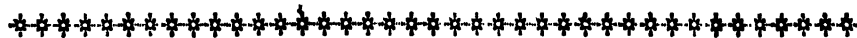
RESPECTING

The Conduct of Brigadier-general JAMES STUART,
at MADRAS.

[December, 1778.]

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Presented by
Mrs. Bela Chakravarty.



G E N T L E M E N,

IT is now near eighteen months since I had the honour of addressing to you any request or application in behalf of my Brother, Colonel Stuart, who for some time past has been Brigadier-general in the service of the Honourable East India Company. I have at all times thought it my duty to abstain from giving you unnecessary trouble, and though frequently urged to represent to you the peculiar hardships of my Brother's case, it appeared to me more suitable to refrain from any remonstrances, until we should know here the event of his trial by a Court-martial, for which orders were sent to India, by the Company's general letter of the 4th of July, 1777.

But the dispatches recently received from Madras, which contain an account of what has passed there, in relation to the proposed Court-martial, put me under the unavoidable necessity of immediately soliciting your attention to the peculiarity of my Brother's situation.

Without partiality or prejudice, I may venture to say, that the circumstances of his case, when deliberately and candidly considered, will be found worthy of your most serious attention; and, I trust will call aloud for some immediate redress, to stop the further progress of the accumulated severities, hardships, and indignities, which appear to me to have been inflicted on Colonel Stuart, a person succeeding, by your own appointment, to be Commander in Chief of your army in the Carnatic.

These severities have been inflicted, not only antecedent to any trial of his conduct, but without any proper evidence of his being culpable; and the influence and effects of them still continue to subsist with full force and rigour against him, in consequence of the refusal he has lately met with at Madras, of a Court of Enquiry, or a trial by a Court-martial.

This enquiry and trial you had, by your orders, sent by the Besborough in July 1777, directed to take place, and in conformity with that direction, Colonel Stuart, flattering himself that the wished-for moment was arrived for vindicating his character and conduct on the spot where the transactions had happened, and that a period would soon be put to his sufferings, solicited that public trial in the most earnest and fervent manner; but hitherto in vain;—for the result brought by the last dispatches from Madras, is, that the Governor and Council there, at the same time that they refuse the trial so earnestly requested, and even insisted upon by Colonel Stuart as his right; are pleased, in consequence of the directions they had received from home, to continue for an indefinite time that suspension, which, in the early stages of this business, had been inflicted during the space of six months.

The consequence now is, that after having exerted himself, while Commander in Chief of your forces, in the most indefatigable and confessedly useful manner for the interests of the Company, by many new military regulations, and by putting the army and military posts in the Carnatic on the most respectable footing, of which the Company, if I am rightly informed, has received undoubted intelligence, and from which, by the circumstances of the times, they may probably soon feel material advantages: I say, after these exertions, which, jointly with the baneful influence of the climate on European constitutions, have greatly impaired his health; he finds himself degraded from the first military situation, with severe marks of displeasure, waiting the return of the dispatches lately brought home; and suffering in this unpleasant interval, all the anxieties and impatience

incident to an officer of spirit, exposed to the continuance of the prejudices and aspersions with which his character and conduct had, in the first heats of party-rage, been assailed, without any means afforded him of vindicating his honour, by opposing, in the course of a public trial, authentic facts and proofs to groundless or illiberal imputations.

To satisfy you, Gentlemen, that there is nothing exaggerated in this short sketch of his situation, I must beg your permission, to bring under your view, some of the most striking incidents which have happened since the period when he received from you his first commission in the service of the Honourable East India Company.

In the year 1775, Colonel Stuart, at that time a Lieutenant-Colonel of many years standing in the King's service, was, with his Majesty's permission, appointed second in command of all the Company's forces upon the coast of Coromandel, with the rank of Colonel in their service; and by the same appointment, it was settled and established, that upon the death, resignation, or removal of the then Commander in Chief Sir Robert Fletcher, the command in chief, with the same rank of Brigadier-General, should devolve upon and be enjoyed by Colonel Stuart.—Upon the faith of these agreements and appointments Colonel Stuart entered into the Honourable Company's service, and sailed for India.

He left England in November 1775, and arrived at Madras in May 1776.

Before his arrival, there had been many disputes and dissensions between Lord Pigot the Governor, and the Members of the Council at Madras. The contest and animosity between them with regard to their respective powers and privileges, as well as with regard to some matters of government, was far advanced at the time of Colonel Stuart's arrival, and according to all appearances in a way of increasing daily.

I have letters in my possession from my Brother soon after his arrival, mentioning these dissensions, and his intentions to avoid taking part

with either side in their disputes, and to apply himself entirely to his own business in the military line.

In particular, the dissention between Lord Pigot the Governor, and Sir Robert Fletcher the Commander in Chief, soon increased to such a height, that in the month of July 1776, Lord Pigot issued an order for putting Sir Robert Fletcher under arrest, and ~~thereby~~ ^{thereby} transferred the command of the army to Colonel Stuart, then second in command. This, though a very inviting offer, Colonel Stuart declined; he accommodated the differences between the Governor and Commander in Chief; prevailed on Lord Pigot to withdraw the arrest; and Sir Robert Fletcher was thus continued in the command of the army.

In the month of August 1776, the disputes between Lord Pigot the President, and the Majority of the Members of Council, came to such extremities, that it was evident there could be no further hopes of accommodation between parties who considered their powers, and the constitutional government at Madras, in such opposite points of view.—It was the *crisis* of a contest in which there was no likelihood of either party voluntarily yielding to the other,—a situation which almost unavoidably produces the necessity of resorting to strong and violent measures for asserting or preventing the annihilation of those powers which the contending parties severally think themselves entitled to exercise.

It was this *crisis* and necessity which probably made Lord Pigot, on the one hand, think himself entitled to resort to the violent measures to which he had recourse on the 22d and 23d of August 1776; when his Lordship first suspended from their offices two of the Members of the Majority of Council, and then suspended the whole of them, ordering at the same time Sir Robert Fletcher the Commander in Chief under arrest, upon a charge of exciting mutiny and sedition among the troops in garrison, which was inferred from his concurring with the Majority of Council in a protest signed and circulated by them on the 23d of August.

On the other hand, it was probably the same *crisis* and necessity gave rise to the idea and to the resolution taken by the Ma-

majority of Council, and by Sir Robert Fletcher the Commander in Chief, upon the same 23d of August, when they assumed the reins of government, and signed an order to Colonel Stuart the second in command, on whom they conferred the temporary command of the army on account of the disposition of Sir Robert Fletcher, by which order they required him, Colonel Stuart, to put them, the Majority of Council, in possession of the fort-house, fortrefs and garrison of Fort St. George, and to arrest the person of Lord Pigot the Governor. By the same order, the Majority conferred upon Colonel Stuart the command of the garrison of Fort St. George, during the present danger.

Here I think it proper to declare that it is by no means my intention to criminate or exculpate either Lord Pigot, and the Gentlemen who adhered to him, or the opposite party composed of the Majority of the Members of Council: I do not wish to embark myself in any part of that controversy relating to the merits of the questions which first produced the dissensions, and afterwards the total rupture between Lord Pigot and the Majority of Council; for besides a natural dislike to all manner of controversies where I am not necessarily and unavoidably called upon to take a part, I do apprehend that the merits of my Brother's case, stand upon grounds totally separate and distinct from those which have been contested between Lord Pigot on the one hand, and the Majority of Council on the other; I have hitherto avoided, both in the India-house and in Parliament, taking any share in the questions agitated between these parties, and it is my intention to continue to do so, unless points should occur where my Brother's honour or interest might happen to be essentially affected, and in which I may think him so much in the right, as to make it an unavoidable duty on me to stand forward in his behalf.

I mean, therefore, here to confine myself to the particular circumstances under which Colonel Stuart acted, in obedience to orders from Superiors, whom he thought himself bound to obey, without taking upon myself to say or insinuate, whether these Superiors did right

or

or wrong, in issuing those orders; neither shall I presume to give an opinion, whether the violent acts, either of the one party or the other, were right in themselves, or justifiable from reasons of expediency or necessity.

be difficult alternative to which Colonel Stuart was received by the orders received from the opposite parties.

The written order of 23d of August 1776, to Colonel Stuart, for putting the Majority of Council in possession of the fort, and for arresting the person of Lord Pigot, was signed by Seven Members of the Council, which constituted an unquestionable Majority; and it is farther to be observed, that one of those Members who signed that order, was the Commander in Chief, Sir Robert Fletcher.

At the time when Colonel Stuart received this order, he had no seat or vote in Council, no deliberative voice; his duty was that of obedience only to his lawful superiors, civil and military; he thought it therefore indispensibly his duty to obey the joint orders of a clear Majority of Council, concurring with the Commander in Chief; convinced, as he has always been, and still declares himself to be, that the legal constitutional government in the Company's settlement at Madras is vested, not in the Governor or President alone, nor in the Governor with a Minority of Council, but in the Majority of the Members of Council.

Upon the same day that the Majority of Council and the Commander in Chief signed the above order to Colonel Stuart, there was an offer to him of the command of the army, from Lord Pigot and his Lordship's friends in Council. The general orders issued by them of that date were in these words :

“ Fort St. George, 23d Aug. 1776.

“ The Right Honourable the President and Council having been
 “ pleased to order Brigadier-general Sir Robert Fletcher in arrest, for be-
 “ ing

“ing concerned in circulating letters tending to excite and cause mutiny
 “and sedition among the troops in this garrison, Colonel James
 “Stuart is ordered to take upon him the command of the troops under
 “this Presidency, and all reports and returns are to be made to him
 “accordingly.”

Here then Colonel Stuart, to whom upon the same day the temporary command of the army was offered by one party, and the absolute unlimited command by the other, with positive requisitions from each to act under their authority, was placed in one of the most delicate and difficult situations that ever fell to the share of any military man;—it was impossible for him to be an inactive or an idle spectator.

Had he refused the command of the army, and thus incurred disobedience to the orders of both parties, he was liable to be persecuted by both, at least by the party which should gain the ascendant, by whom he would certainly have been put under arrest, and brought to trial by a Court-martial for disobedience of orders.

He was therefore reduced to this alternative, that he must either give support to the government of Lord Pigot, to the prejudice of all the suspended Members of the Majority, and to the prejudice of his Commander in Chief, then ordered under arrest, and about to be tried for his life; or he must obey the joint orders of the Commander in Chief, and the Majority of Council.

The situation was a very hard and disagreeable one for Colonel Stuart; because, whether he obeyed the orders of one or the other party, he was certain to meet with much blame, outcry, and persecution, from the opposite party. We all know how liberally these have been bestowed upon him, in the event which has happened; but let us suppose

The consequences that would have resulted from Colonel Stuart's obeying the orders of the President and Minority.

pose the contrary event, that he had disobeyed the orders of the Majority and Commander in Chief, and given his support to the government of Lord Pigot and the Minority, what an opening would that have afforded for obloquy and persecution?

His accepting of the command from the Governor and the Minority would have been ascribed to the base ungenerous motive of supplanting Sir Robert Fletcher, the Commander in Chief; and, supposing Lord Pigot to have prevailed at that time, and to have proceeded with the fullest career of success in establishing his government upon the ruins of the Majority of Council, and even without any further resistance on their part, or any disturbance in the settlement, there can scarcely be a doubt that when the news of these transactions reached England, they would have excited a general disapprobation of the violent measures by which a Majority of Council had been deprived of their functions, and the Commander in Chief of the forces put under arrest, and superseded in his command.

Upon that occasion too, the military officer who had lent his aid for establishing that new government, who had availed himself of the opportunity to supplant and to get into the place and profits of his Commander in Chief, and who had been guilty of disobedience of orders, both with respect to that Commander and the Majority of Council, would most probably have felt the severest effects of the indignation of the Directors and Proprietors of the Honourable Company, and of the public at large.

My reason for saying that there can scarcely be a doubt that such would have been the reception given at home to the violent proceedings in August 1776 in suspending the Majority of Council, is founded not only on the nature of the incidents themselves, but on the disapprobation which has been expressed by the India Company of that part of Lord Pigot's conduct, when taken into consideration in this country at a time, and under circumstances the most favourable for his Lordship, and the least auspicious for those who had opposed him.

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If any degree of disapprobation and censure of those parts of his Lordship's conduct should take place at a time when so much generous and natural sympathy arose from the hardships and reverse of fortune which Lord Pigot had experienced,—at a time when the minds of men were in general more filled with animosity and indignation against those who had been the occasion of his sufferings, than attentive to any errors or irregularities in his Lordship's conduct or principles of government, how different would it have been, if the dispatches from India, instead of bringing accounts of any hardships suffered by Lord Pigot, or by those who adhered to him, had been filled only with the news of the hardships, indignities, and prejudices sustained by the opposite party, and of Lord Pigot's having been assisted and abetted in the establishment of this new government by the second in the military command, who by this revolution had attained the command in chief?

I am well warranted to say, that in the case here supposed, the outcry and indignation both against Lord Pigot and Colonel Stuart would have been more general, and better founded, though they could not have been more violent than what Colonel Stuart has experienced in the opposite case which has happened.

It must be allowed then, that Colonel Stuart was most unfortunately circumstanced, since whichever side of the question he espoused in these unhappy disputes between the Governor and the Council, and to whichever of the parties he gave his obedience and support, he was certain of receiving for his reward much future obloquy and persecution.

But the consequences affecting himself were not the only or the most material ones which Colonel Stuart at the time of taking his decisive resolution was bound to attend to; it became proper for him further to consider, what the possible or probable consequences might be, to the Company's settlement in that part of the world, in case he should obey the orders of Lord Pigot and the Minority, in preference to those of the Majority of Council and the Commander in Chief.

Is it at all probable, that Sir Robert Fletcher, the Commander in Chief, known to have been of a disposition neither timid nor indolent, and who was drove to the necessity of making some exertion for his own safety, to rescue himself from his impending fate; I say, is it probable, that he would have tamely and placidly acquiesced in the establishment of the government of Lord Pigot and the Minority, and in his own supercession and trial by a Court-martial, even supposing that Colonel Stuart had given his support to Lord Pigot?

Or again is it probable, that all the gentlemen of the suspended Majority would have placidly and tamely acquiesced in that new government, and in their own suspension, degradation, and disgrace, without making some efforts to preserve their rights and their consequence in the important settlement of Madras?

Is it further to be supposed, that these gentlemen of the Council, many of whom had been long established in India, and had extensive connections there, and who were embarked in a common cause with the Commander in Chief of the troops, would have had no support of friends, civil and military, to espouse their interests?—These things cannot be supposed in consistency with any just observation on the common course of events.

The probability is, if Colonel Stuart, then second in command, had in the month of August 1776 given his obedience and support to Lord Pigot and the Minority, in opposition to the Majority of Council, and Sir Robert Fletcher, the Commander in Chief of the forces, that the consequences would have been much more serious and alarming to the peace and security of the settlement, than any which either actually happened, or were likely to happen, from Colonel Stuart's acting in obedience to the orders of the Majority.

What a dreadful scene, and how alarming in its consequences must it have been, if, while one part of the army shewed a readiness to obey the orders of Lord Pigot and Colonel Stuart, another part, either from attachment or obligations to Sir Robert Fletcher their Commander in Chief,

Chief, or from thinking his life in danger, or from an opinion that the *legal Government* which they were bound to obey was vested in the Majority of Council had declared themselves ready to follow him and their fortunes, and to give their aid for supporting that government ?

Surely no man can maintain, with any degree of certainty, or even with a superior weight of probability, that this would not have been the case ; perhaps I might venture to express my sentiments more strongly on this subject, because, after having been at considerable pains to inform myself accurately, the information I have received from good authority is very positive, that such would have been the consequences ; especially too, as the Supreme Council in Bengal had, even before that period, expressed their sentiments very strongly, in disapprobation of some parts of Lord Pigot's conduct ; and it is well known, that they afterwards had no hesitation to pronounce the Majority of the Council of Madras to be the *legal government*, and to declare their firm resolution to support it *.

These particulars have appeared to me necessary to be stated at some length, because, in the course of all the discussions hitherto in relation to these unhappy disturbances at Madras, they seem almost to have escaped observation ; no just allowance has been made for the very critical and difficult situation in which Colonel Stuart was placed, and in the midst of the outcry against him, a notion seems somehow or

* In the letter from the Supreme Council to Lord Pigot of the 10th of September 1776, they express themselves thus : “ We therefore deem it incumbent on us to declare, that the rights and powers of the Governor and Council of any of the Company's Presidencies, are vested by their original constitution, in the Majority of the Board ; that the violence committed by your Lordship, in excluding two of the Members of the Council of Fort St. George, from their places, was a violation of that constitution ; that the measures taken by the Majority to recover the actual government, which of right is vested in them, arose from the necessity of the case ; and that we shall acknowledge and support the title and authority which they consequently possess.”

At the same time, the Supreme Council wrote to Sir Edward Hughes, commanding his Majesty's Squadron in India, “ requesting that he would unite with them in affording his assistance and support to the actual government of Madras, if any change of circumstance should render it necessary for them to desire it.”

other to have prevailed, as if he had been officiously and unnecessarily active, without considering that he was placed in a situation, where it was impossible for him to be an idle spectator, and where he was reduced to the alternative of paying obedience and giving active support either to Lord Pigot and the Minority, or to the Majority of the Council united with the Commander in Chief.

We all know the total extent of the prejudice and mischief that has happened in the one case; but no person can take upon him to say, of how much greater magnitude the mischief and confusion in the settlement might have been, if the contrary event had happened, by Colonel Stuart's obeying the orders of the Minority, instead of those of the Majority.

It is the business of the Members of the Majority who issued the orders, to shew the necessity or propriety of these orders, for which they alone are responsible; and the only thing incumbent on Colonel Stuart, is to shew the necessity he was under to obey them; and he persuades himself that he shall not only be able to give the utmost satisfaction on that head, but likewise further to prove, beyond the possibility of doubt, that he *executed* those orders in a manner, which of all others was the best calculated to avoid bloodshed and confusion in the settlement.

The mode of executing the orders of the Majority for obtaining possession of the fortrefs, and for arresting the person of Lord Pigot.

I take it for granted that it will not be disputed by any man, and much less by any man of military experience, that it is a material part of the duty of an officer charged with such an unpleasant and hazardous order, to study to execute it in such a manner, as may least endanger the lives either of those who are the objects of the order, or of those by whom it is to be carried into execution, and

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at the same time may be the best calculated for avoiding tumults in the community.

It is admitted on all hands, that all these material purposes were completely answered by the mode in which the arrest of Lord Pigot, and the possession of the fortress of Fort St. George, were accomplished; for there was not a life lost; nay, not the smallest personal hurt received by any one man in the settlement upon this occasion.—Not only so, but from the day of Lord Pigot's arrest, on the 24th of August 1776, to the arrival of the new Government at Madras, in the end of August 1777, there had not been any tumult or disturbance in the settlement, in consequence of the incidents of the month of August 1776, nor any man imprisoned or injured in his person or property; and further, so little was there of confusion or anarchy in the settlement, that according to my information, the accuracy of which you, Gentlemen, have the best opportunities of knowing, the investments for the Company during that period, from the Madras presidency, were to a greater amount than they had ever been known during any similar space of time, and the revenues of the Company on re-letting their home-farms contiguous to Madras were very considerably encreased.

From these facts, one would be apt to think, that a great commercial Company, whose chief and ultimate object must be the peace and tranquillity of the settlements belonging to them, and the prosperity of their commercial interests, would feel some partiality for an officer in their service, who in the execution of such orders, which he thought himself under a necessity of obeying, had so managed, as to avoid every mischief that might have been fatal to the peace of the settlement, or to the lives and properties of those who resided in it.

In all the papers or letters from Colonel Stuart, public or private, he has always expressed the highest satisfaction that the arrest of Lord Pigot, and the obtaining possession of the Fort, had been accomplished without

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any personal injury to ~~his~~ Lordship or any of his friends, and without one drop of blood being spilt upon the occasion: this he at the same time is very confident could not have happened, if he had pursued any other plan, than that which was adopted; and particularly that a very different scene, and most probably much bloodshed and tumult, must have ensued, if Lord Pigot had been arrested in the fortrefs of Fort St. George; or if, from the conduct of Colonel Stuart or others, Lord Pigot had perceived or suspected that there was an intention of arresting him.

Colonel Stuart is also persuaded, and the nature of the circumstances demonstrate, that disagreeable consequences of the same nature must have happened, if the obtaining possession of the fortrefs and garrison of Fort St. George had been attempted, without the previous arrest of Lord Pigot, while his Lordship, by his personal presence, joined to that of his adherents, was at liberty to have instigated the whole or part of the garrison, to declare on his side, and to resist the orders of the Majority of Council; which orders, he, Colonel Stuart, was bound at all hazards to carry into execution; for the terms of them were very express; they peremptorily required him to put them (the Majority of the Council) in possession of the Fort-house, garrison, and fortrefs of Fort St. George.

Colonel Stuart had accordingly formed a plan and taken his arrangement for getting possession of the fortrefs at all hazards, and he has no doubt that he could have succeeded in it; but at the same time thinks that it might very probably have been attended with the loss of many lives, and in all likelihood would have been more fatal to Lord Pigot and his adherents, than to those who were to carry the orders of the Majority into execution, who knew that they could depend upon the numbers, fidelity, and firmness of that part of the troops which they had at their command for the accomplishment of this undertaking.

The probability or even the chance of such disagreeable events happening, was sufficient to determine Colonel Stuart to avoid the
measures

measures of open force, while there was any possibility of accomplishing the same ultimate objects by any other justifiable means permitted by the terms of the order he had received. This gave rise to the plan concerted with Colonel Eidington, Captain Lyfaght, and Major Horne, for arresting the person of Lord Pigot, when on his road from the Fort to the Company's Garden-house, and of conducting his Lordship with safety and without insult of any sort to the Mount, at the distance of about seven miles from Madras, there to be under the charge of Major Horne, the commanding Officer of the corps of Artillery, who was a person well known to and respected by Lord Pigot, and whose general character put him above any suspicions of improper treatment of his Lordship.

As soon as the arrest of Lord Pigot was over, Colonel Stuart instantly returned to Madras, and put the garrison and fortrefs into the possession of the Majority of Council, from whom he had received his orders; and in this manner, by the secrecy and rapidity with which he carried into execution the orders he had received only the preceding day, every object was accomplished, without the loss of one life, and without any disturbance in the settlement.

But, notwithstanding the rapidity with which these decisive steps were taken, an incident happened on the evening of the 24th, even after it was known that the person of Lord Pigot had been arrested, which, though it has hitherto been little adverted to, is well worthy of attention, because it tends to shew what alarming consequences might possibly have happened, not only to Lord Pigot himself, and his friends, as well as to those that opposed them, but even to the settlement in general, if Colonel Stuart, in the execution of the orders, had followed any other plan than that which he actually adopted for attaining possession of the fortrefs.

The incident I allude to, is what happened on the parade, in the evening of the 24th of August, after Lord Pigot had been arrested, and when the fortrefs of Fort St. George had been put into the possession
of

of the new government. Mr. Claud Ruffel, one of the Civil Counsellors of Lord Pigot's party, was found that evening ordering the guards to stand to their arms, to pay obedience to him, as the commanding officer in the absence of Lord Pigot, and endeavouring, by every means in his power, to excite the guards to resistance and violence, while, at this very time too, Mr. Stratton and Mr. Brooke, both seniors to Mr. Ruffell in the Council, were actually in Fort St. George, and assembled upon public business in the Council-chamber at the Fort-house.

I beg leave to state these incidents precisely in the words of the information given by Mr. Ruffel himself, when examined upon oath before the Coroner's inquest at Madras, upon the 13th of May 1777; in page 29th and 30th of the collection of papers lately published relating to that Inquest, Mr. Ruffell states what passed upon the parade in the fortrefs of Fort St. George, in the evening of the 24th of August, in these words :

*" Hearing soon after that Lord Pigot had been carried a prisoner to
 " the Mount, this Informant (Mr. Ruffel) thought it his duty, as se-
 " cond in Council, to repair immediately to the Fort. In his way thi-
 " ther, this Informant met with Mr. Stone, who accompanied this In-
 " formant ; when they entered the Fort and came near to the main-guard,
 " this Informant met the Town-major, Captain Wood, who told this In-
 " formant, that he (Captain Wood) had been put under an arrest for doing
 " his duty ; this Informant therefore directed the Town-adjutant, Lieu-
 " tenant Pendergait, who happened to be near, to go to the Captain of
 " the main-guard, and acquaint him, that it was his orders, in the ab-
 " sence of Lord Pigot, that the guards should stand to their arms. Ob-
 " serving that the Captain of the main-guard (Captain Adair) hesitated
 " to comply with those orders, this Informant went himself to Captain
 " Adair and repeated his orders, apprising Captain Adair of the danger
 " of refusing obedience, as this Informant was the commanding Officer in
 " the absence of Lord Pigot, under whose orders the guards were.
 " Captain Adair seemed to be much alarmed, and muttered something
 " about the Commander in Chief ; upon which this Informant asked Cap-*

" tain Adair, if he had received any orders contrary to what this In-
 " formant then gave him. Captain Adair answered in a confused man-
 " ner, that he had received orders from the Commander in Chief. About
 " this time a crowd of officers assembled round, and as the guards ap-
 " peared to be standing to their arms, part having already fallen in,
 " this Informant was advancing towards their front, when Colonel
 " James Stuart came up to this Informant, and told him he must go to
 " the Consultation-room. This Informant replied, he was not under
 " the orders of Colonel Stuart, but on the contrary, that he was under
 " the orders of this Informant. Some more words to the same tendency
 " passed between Colonel Stuart and this Informant, when Colonel Stuart
 " called out orderlies, ordering them to seize the Informant. Lieutenant
 " Colonel Eidington and Captain Barclay, each seizing this Informant
 " by the arm, this Informant called out to the officer of the guard for
 " assistance, but in vain, although some of the grenadiers did step out of
 " their ranks. In this manner, this Informant was dragged by Colonel
 " James Stuart, Lieutenant-colonel James Eidington, and Captain
 " Barclay, some orderlies pushing this Informant behind, to the Council-
 " room; where this Informant found Messrs. George Stratton, Sir Ro-
 " bert Fletcher, Henry Brooke, Charles Floyer, Archdale Palmer, Francis
 " Jourdan, and George Mackie, sitting at the Council-table. This informant
 " was detained in the Council-room, until Colonel James Stuart dictated a
 " narrative of what had passed upon the parade, to Mr. Jourdan, who
 " appeared to act as secretary."

In another account given by Mr. Ruffel of this same matter, also
 upon oath, in the month of August 1776, there are the following ad-
 ditional circumstances:

" That Colonel Stuart, upon seeing several of the grenadiers advancing
 " from the ranks towards him (Mr. Ruffel), seem'd to be so much
 " alarm'd with this, that he quitted his hold of the Deponent (Mr. Ruf-
 " fel), and ran back to push the grenadiers into the ranks, with oaths
 " and threats; that, after effecting this, Colonel Stuart returned to assist
 " Colonel Eidington, and Captain Barclay, by laying hold of the Depo-

“ went’s wrist, and calling for an orderly serjeant, to push him (Mr. Ruffel) behind.”

The inference I draw from these facts is, that when we see that such a sensation and beginning of disturbance could be produced in the garrison at a time so unfavourable for Lord Pigot’s friends, when his Lordship was in safe custody with the corps of artillery at the Mount; and when there was so little time or opportunity afforded them to prepare for any plan of resistance; and when we see that this Gentleman, Mr. Ruffel, though unsupported by the other Members of the Minority, was resolutely bent on resistance, did every thing in his power to excite the guards to it, and had actually made such an impression, as at one time to make some of the guards stand to their arms, and afterwards to excite some of the grenadiers to step out of their ranks to give him support, if the further progress of these first impressions had not been checked by Colonel Stuart’s violently threatening and pushing back these grenadiers, and afterwards laying hold of Mr. Ruffel, and forcibly taking him from the parade; I say, when we observe all these things, do they not afford the most complete conviction, that if Lord Pigot had not been arrested, but had been with the garrison, or at liberty, at the time when Colonel Stuart, in obedience to his orders, was to seize the fortrefs, there must have ensued a very serious conflict, and the loss of many lives.

Without any disparagement to Mr. Ruffel, who I know enjoys a respectable character, and who shewed as much zeal and resolution as was possible for any man in his circumstances, I may on good grounds presume, that Lord Pigot himself, had he been in a situation to act, would not have been less zealous or less determined; and that his personal presence in the garrison, where, as Governor of the fort, he had a right to command, and accompanied with friends who would have supported him on the occasion, could not have failed to have produced a very different spirit and degree of resistance among the troops in the garrison; it must have been of a much more serious nature, than what was or could be produced by the efforts of any of the Counsellors of Lord Pigot’s party, who had never acted but in a civil capacity.

Lord

Lord Pigot's former military actions, his rank, the command he was accustomed to have of the guards of the garrison, and his known intrepidity and warmth of temper, would certainly have disposed many of the guards to have obeyed him; and there can hardly be a doubt that he would have risked his own and their lives, rather than yield to the power which required possession of his garrison; and that in all probability he and many of his adherents, overpowered by numbers, would have fallen.

Let any man fairly estimate in his own mind these events which, in all human probability, would have happened, compare them with those which actually did happen, and then declare ingenuously, whether he thinks Colonel Stuart is entitled to merit or demerit, with the East India Company, with Lord Pigot's friends, and with this country in general, for preferring to every other, the plan which was actually pursued.

The mode of arresting Lord Pigot, and some of the circumstances attending the accomplishment of it, have been loudly complained of, not as affecting either the peace of the settlement, or the interests of the Company; but on this ground, that the arrest is said to have been brought about in a manner that was unhandsome, and deceitful, and that I may not seem to avoid stating it in the strongest terms, even treacherous to Lord Pigot.

The objections to the mode of arrest considered.

Upon these topics every circumstance or commentary that could be collected from the mouths of enemies to Colonel Stuart, has been wrought up with uncommon ingenuity to inflame the minds of the East India Proprietors, and of the public at large, against him; so much so, that there could not have been more rage and violence, if, instead of applying his utmost attention and management to save Lord Pigot's life, he had been guilty of his murder; or if, instead of avoid-

ing confusion in the Settlement, he had involved it in tumult and bloodshed.

If it were unquestionably ascertained upon an examination of unprejudiced and impartial persons, that Colonel Stuart, in the circumstances in which he was placed, had acted improperly and with deceit, harshness, or treachery to Lord Pigot, I may venture to say that there is no person to whom that part of his conduct could give more uneasiness, and real concern, than to myself; or who would be less apt to attempt any vindication, even of a Brother, in such particulars.

I should have no hesitation to condemn any harsh or improper behaviour towards Lord Pigot, on a double account; both because such behaviour would be very unsuitable from one Gentleman to another, and because Lord Pigot was a character entitled to respect and attention from the world in general, and particularly from those connected with the East India Company, to which he had rendered such signal services at a former period of his life.

But when the minds of men are much heated in party contest, we are not to give implicit faith to the assertions either of the one party or the other, with regard to the conduct of a person, whose part in the business allotted to him has rendered him obnoxious,—especially in so far as these assertions relate not to substantial facts, incapable of being mistaken, but relate to expressions uttered in the course of conversation, and even to the manner, and the tone of voice which accompanied them.

It happens so often that such expressions, and the circumstances attending them, are meant, understood and related in so very different a manner, by different persons present at the same instant, that no solid reliance can be placed on them as articles of accusation.

I therefore shall not think it necessary to take much notice of some of the articles which fall under that description; let it however be remembered, that the accounts which were in the beginning circulated by one party, concerning Colonel Stuart's expressions, or conversations, in the course of the transactions of the 24th of August, are expressly denied and contradicted by the other party.

When

When the accounts of the disturbances at ~~Madras~~ first reached this country, Colonel Stuart's friends were not supplied with the proper information for answering the various assertions or calumnies with which his conduct was attacked; because not having any idea that he was to be traduced in such a manner, he had not supplied his friends with the means of obviating or refuting the imputations.—Colonel Stuart at Madras could not divine the terms of the Letter which Mr. Dalrymple wrote from Alexandria, at the distance of many hundred miles;—nor could he foresee at Madras, the liberties which, in consequence of that Letter, and of other reports circulated at the commencement of this Indian dispute, were taken with him in this country, at the distance of some thousand miles.

The first time that his attention to certain imputations was more particularly excited, was in the month of April 1777. He was at that time at Tanjore, and received, by means of a friend at Madras, the copy of a pamphlet or case drawn up on Lord Pigot's part, which had been printed with great secrecy in India, to be forwarded to this country.

By the first conveyance, after he had seen that pamphlet, I received a letter from my Brother, wherein, amongst other things, he particularly gives an account of what passed in the Council-room on the evening of the 24th of August, immediately before the arrest took place; and the account there given, expressly contradicts the declarations, imputed by Lord Pigot's friends to Colonel Stuart, during the course of that interview in the Council-room. What he says to me in his private letter on this subject, which I am ready to submit to your perusal, is in these words :

“ As to what is *falsely said* of my having given my honour to obey
 “ the orders of Lord Pigot's faction, I trust, that, independent of my
 “ own assertion being full as good as the assertion of Mr. Russell so
 “ nearly connected, the evidence of Mr. Sullivan, who was present,
 “ and then acting as Secretary, will be more than sufficient to overturn
 “ the calumny; but if I may be believed to have any memory, or to
 “ be possessed of common sense, or consistency of conduct, none who
 “ know

“ know me as such, can possibly think, that the man who wrote and delivered the letter the morning of that memorable day, the 24th of August (of which you have a copy), could possibly make such a declaration the same evening.

“ Very true it is, indeed, that the members of Lord Pigot’s faction had summoned me to meet them in order to cross-question, and if possible, commit and entrap me in some snare; and as I had no previous notice of their intention, it required the utmost effort of caution and prudence in me to elude their intentions. At the precise time of this fiery ordeal, the secret was in the power of near fifty persons, including the parties at that very moment posted on the road to the Garden-house under the Adjutant-general, and Captain Lyfaught; the commanding officer of the artillery at the Mount, had also orders to receive him; the Commandant of the Fort had likewise agreed to receive my orders on every emergency; Lord Pigot’s chaise was at the door; what then was for me to do, at that most critical period? Had I bluntly contradicted their assertions, with regard to their legal powers, or in direct terms refused to obey, the Settlement must have been involved, together with myself and the Gentlemen who obeyed my orders from a sense of their duty, in scenes of the greatest horror; for Lord Pigot, as was natural to suppose, was resolved to have remained in the Fort, and to have exerted every authority given him by his military commission; and I was equally resolved to have carried him by force from thence to the Mount, at the risk of falling in the attempt. What other line could a man of common prudence or humanity follow, than that which I did, viz. neither asserting nor denying their propositions, but appearing, as I really did, passive on the occasion. It was a trial of skill, which lasted at least three quarters of an hour. Instead of self-condemnation, the retrospect of the part I acted at that time affords me the greatest satisfaction, because, under Providence, to that is owing, what the annals of history will not produce, viz. so univer-

“ fal a change being brought about fo suddenly and without any indi-
 “ vidual being hurt in his perfon.”

But there is ~~one~~ ^{one} circumstance, which does not fall within the de-
 scription of expreffions or converfations, liable to be miftaken, and it
 is that which of all others has made the moft noife, and excited the
 greateft prejudice againft Colonel Stuart in this bufinefs, the circum-
 ftance of his *accompanying Lord Pigot in the chaise* at the time when
 he was arrefted.

That Colonel Stuart did accompany Lord Pigot in the chaise from
 the Fort to the place where he was arrefted, on the 24th of Auguft,
 which was about 700 paces from the fort of Madras, is certainly true;
 and I have no hesitation to fay, that fince Lord Pigot was to be arrefted,
 I moft fincerely wifh that it could have been accomplifhed without
 Colonel Stuart’s attending him in the chaise, fuppofing that practicable
 with equal fafety to his Lordfhip’s perfon, and to the peace and fecurity
 of the fettlement: for I do own, that to perfons at a diftance from the
 fcene of action, this circumftance carries, upon its firft appearance, fome-
 thing very difagreeable and unfavourable for the perfon who was placed,
 or placed himfelf, in that fituation.

I have no right to be furprifed that it fhould have excited, in the
 early ftages of this bufinefs, a confiderable degree of prejudice againft
 Colonel Stuart, fince even the relation and friendship between him and
 me did not at that period totally exempt me from the influence of the
 fame prejudices.

At the time when thefe prejudices moft prevailed, which was upon the
 arrival of the firft accounts of the unhappy difturbances at Madras, no
 perfon in this country was fupplied with proper information as to the
 motives of Colonel Stuart’s conduct in that particular; nor was there
 any allowance made for the confiderations of a public nature, which
 might have induced him to take this ftep of attending Lord Pigot in
 the chaise, even at the rifque of temporary impreffions to the prejudice
 of his character as a private man.

I do not mean, however, to enter into the discussion of any abstract unnecessary questions; nor shall I attempt to mark out the precise line to be pursued, where the duties which one owes to the public, are to be put in competition with those which a man may fairly be supposed to owe to himself.

These are questions of delicate discussion, and whether decided in one way or the other, there are so many hazards that general maxims upon such topics may produce mischief to society rather than utility, that it is perhaps better to avoid, than to embrace any opportunity of abstract reasoning upon them.

But this I may venture to affirm, that when the conduct of any man is unfortunately distracted by contradictory obligations, and when the duties he owes to the general interests of the state, or to that particular body of men, in whose service he is employed, happen to interfere with the attention due to his own private character and reputation; the decision in such an alternative must be truly distressing. A plausible ground will always remain for censure and disapprobation, and, as has happened in Colonel Stuart's case, men will impute to the errors of conduct what arose from the difficulties of situation.

Instead, therefore, of entering into the discussion of any general question, I shall only beg leave to state the particular situation in which Colonel Stuart found himself, at the time when it appeared to him of essential consequence that he should accompany Lord Pigot in the chaise,—to point out the hazards which might have ensued if this mode had not been adopted,—and to endeavour to correct the errors and misrepresentations which attended the first editions of this story; for in the accounts at first circulated, circumstances of friendship and connection between Lord Pigot and Colonel Stuart, and of treacherous deceits practised upon his Lordship, were superadded to the fact of Colonel Stuart's accompanying him in the chaise, and these misrepresentations no doubt contributed greatly to excite the violence that at first appeared against Colonel Stuart.

After performing this proposed task, I shall not presume to offer any opinion of my own, but leave it to you, Gentlemen, to form your own judgment upon this part of Colonel Stuart's conduct.

Whatever degree of management or address, Colonel Stuart may have employed in the arresting Lord Pigot's person, and obtaining possession of the fortress, I presume that I may be allowed to take it for granted in the first place, that no one at all acquainted with Colonel Stuart's character, or the incidents of his life, will suppose that his conduct upon this occasion was suggested or regulated by the motives of attention to his own personal safety; his military services, and even the acknowledgment of his enemies, leave no room to question his personal courage and intrepidity.

There can hardly be a doubt in the mind of any man, that the measure of arresting Lord Pigot privately, in preference to the other alternative of securing his person in an open and violent manner, proceeded from a desire of not occasioning the loss of lives, and of preventing any tumults and confusion in the settlement; and it may not be assuming too much to add, that it proceeded also from a desire to avoid any chance of injury to Lord Pigot's person. The only question is, whether, in the accomplishment of these purposes, Colonel Stuart employed more address, than is justifiable, even for the attaining any great public objects.

It seems to be generally agreed, that since Lord Pigot was in all events to be arrested, it was much more proper that his arrest should be accomplished in a private manner, without noise or disturbance, than that the hazard should be incurred of any tumult or scuffle, by an open and violent arrest. This preference of a *private arrest*, includes in it an approbation of some degree of management, some address or surprise in the accomplishment of the business recommended to the executive officer; for without these it ceases to be of the nature of a private arrest, the very object of which is to lay hold of the person to be arrested, when unsuspecting any such intention against him, and unprepared for resistance.

So far at least then is clear, that it ought not to create any prejudice against Colonel Stuart, that he secured Lord Pigot's person when unprepared for resistance, and without any suspicion of what was intended.

This may afford an answer to a considerable part of the outcry which was raised by the undistinguishing multitude, who were affected by the contrast drawn, and by the pathetic description given of Lord Pigot, unprepared for defence, and free from suspicion; while he, Colonel Stuart, had settled in his own mind the plan which he was to pursue, and so conducted himself, that Lord Pigot could form no suspicion of the event that awaited him.

Even if Colonel Stuart had been on terms of great intimacy or friendship with Lord Pigot, the very reverse of which I beg leave to observe, was the fact, it will probably be allowed by those who attend to the circumstances of the respective situations of Lord Pigot and Colonel Stuart, at that time, that it would have been a blameable instead of a praise-worthy action on Colonel Stuart's part, if he had not concealed from his Lordship the orders he had received, and the means by which he proposed to carry them into execution; for in judging fairly upon this point, it must be taken into consideration, that Colonel Stuart was not only convinced of his duty to obey that order with fidelity and secrecy, but at the same time convinced that the safety of Lord Pigot's person, and the preservation of many lives, depended upon his Lordship's having no suspicion of what was intended.

That the merit or demerit of these steps of concealing from Lord Pigot the intended arrest, and of attending him in the chaise, may be fairly appretiated, it is necessary, that they should be separated from those additional circumstances, which were artfully interwoven with the first accounts of this transaction, and having ever since accompanied the criticisms on Colonel Stuart's conduct, they have been one of the principal means of carrying to such a height the prejudices against him.

It was said, that Colonel Stuart, at the time of these transactions, ~~was in habits of friendship and intimacy with Lord Pigot, and even~~ possessed a considerable share of his confidence; that he was under obligations to Lord Pigot, or at least was courting his favour and confidence, that he had invited himself to sup with Lord Pigot on the 23d of August, and to breakfast, and then to dinner and supper with him on the 24th, the day of the arrest; and that all this was done solely with a view of *betraying his friend*.

This, to be sure, was a very unfavourable representation for Colonel Stuart, and it is not surprising that it should have excited a warm indignation against him;—it will now, however, appear that not *one* of the above particulars has the least foundation in fact.

That Colonel Stuart was in no habits of friendship or intimacy with Lord Pigot, at or about the time of these transactions, is a fact not only asserted by Colonel Stuart, in the various letters received from him, but was known almost to every person at Madras; and there are several Gentlemen from India, now in London, both in the civil and military departments of the Company's service, who can attest the truth of these assertions.

But, independent of any other testimony, the records of the Company afford satisfactory evidence upon this point. It there appears, that Lord Pigot, for a considerable time before the incidents of the 23d and 24th of August 1776, had been in a course of thwarting and opposing every plan that had been proposed by Colonel Stuart's friends, with a view to his being established in a particular military command, which from his rank in the service, from the importance of the command, and from the opinion of the Commander in Chief, Colonel Stuart was thought to have a good title to expect.

From the 25th of June 1776, upon which date Sir Robert Fletcher proposed at the Council Board, that Colonel Stuart should be appointed to the command of Tanjore, to the 22d of August 1776, when Lord Pigot suspended two of the counsellors, for signing an order to the Se-

cretary, directing him to sign the instructions to Colonel Stuart, as ~~Commander of Tanjore~~; Lord Pigot was constantly in opposition to the proposed appointment of Colonel Stuart to that command, and it was the dispute between the Majority and his Lordship, in relation to these instructions to Colonel Stuart, that brought matters to a crisis between them on the 22d of August, which, it is material to observe, was but two days before the arrest of Lord Pigot.

By attending to this fact, and to these dates, every man must be convinced, that there were no apparent habits of friendship between Lord Pigot and Colonel Stuart at or about the time when the Colonel, in obedience to the orders which he received from the Majority of Council on the 23d of August, concerted and executed the plan for arresting Lord Pigot's person; at least, the strong and marked opposition which Lord Pigot, had given during the course of many weeks, to Colonel Stuart's obtaining the command at Tanjore, was either a symptom of their being on bad terms, or a circumstance not likely to produce much cordiality and friendship between them.

The other imputation of Colonel Stuart's courting Lord Pigot's favour, will be found equally unjust and injurious.

Instead of Colonel Stuart's courting Lord Pigot, for the command of the army, it has already been shewn that he declined that command in July 1776, when Lord Pigot, wishing to get rid of Sir Robert Fletcher, offered the command in chief to Colonel Stuart, then second in command; from that time till the 23d of August there was no intercourse between Lord Pigot and Colonel Stuart, nor were they in any habits of friendship or intimacy.

With respect to the transactions and conferences between them on the 23d and 24th of August, they exhibit an uncommon and singular scene, in which there appears something very different indeed from Colonel Stuart's attempting to insinuate himself into the good graces of Lord Pigot and his friends. Instead of Colonel Stuart's courting Lord Pigot, it is evident that Lord Pigot was courting Colonel Stuart; sensible of
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the importance of gaining him over to their interests, Lord Pigot and his friends were at that very time not only endeavouring to persuade him to act as Commander in Chief, but using every effort and address to obtain from him some express or implied acknowledgment that he had accepted of that command; while he, on the other hand, thus beset, was very much puzzled how to avoid this proffered honour, and at the same time not to divulge the secret of the orders he had received from the Majority of Council, which he thought himself indispensably and conscientiously bound to obey.

Colonel Stuart's presence at the supper on the evening of the 23d, and at the breakfast and dinner on the 24th, at Lord Pigot's house, have also been converted into charges against him.—They happened merely as the accidental and natural consequences of the intercourse which was brought on in the course of these two days, at Lord Pigot's desire, that he might have a more favourable opportunity of using every effort to prevail on Colonel Stuart to accept the command in chief.

Had it not been for this circumstance, Colonel Stuart, who had not dined or supped with Lord Pigot during several weeks, and who, in that interval, had met with no new inducements to increase his desire of intruding upon his Lordship at his convivial hours, would certainly not have partaken of his repasts on the 23d and 24th of August, and it is now well ascertained that he did not intrude himself, but *was invited*; and particularly it appears, that when he accepted of Lord Pigot's invitation to sup with him on the 23d, he (Colonel Stuart) added this condition to the acceptance of the invitation, "that there should be nothing of business talked of."

As to the dinner on the 24th, whether Colonel Stuart invited himself, or was invited, though the fact is, that he went there by invitation, it is really of little consequence; for at Madras it is customary for the officers, and in general for every person in a certain rank, to dine with the Governor, who keeps an open table; and the partakers of the dinner.

dinner are so very numerous that it is no mark of particular intimacy or friendship for a man either to be invited, or to come uninvited upon such occasions.

With regard to the proposed supper at the Garden-house on the evening of the 24th, which did not take place, it was at first positively asserted in this country, that Colonel Stuart had invited himself to that supper, and much emphasis was put upon that, as well as upon the other supposed selfinvitations; but it has since appeared from Lord Pigot's own letter to the Directors, dated the 3d of September 1776, that the invitation came from his Lordship, whose words in that letter are: "After dinner I invited him to supper at the Company's Garden-house, which invitation he accepted."

That you may perceive the authority I have for contradicting the assertions, not only with respect to Colonel Stuart's intruding himself upon Lord Pigot at his convivial hours, but also as to his being on terms of intimacy or friendship with his Lordship about the time of the arrest, I beg leave to insert the paragraph of a letter which I received from Colonel Stuart, of so old a date as 13th December 1776. It is in these words:

"It has likewise been given out by my enemies, that I was at the time in the greatest habits of intimacy with him (Lord Pigot), and approved of his measures. The fact is directly the contrary; for we had not been on speaking terms for a very considerable time before, and I had not dined at his house from the latter end of June until the 24th of August, that he asked me to dine, as is usually the case when any one breakfasts with the Governor, and the occasion of my breakfasting was the delivering a letter of which I sent you a copy."

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It remains now to state what relates to the fact of Colonel Stuart's accompanying Lord Pigot in the chaise to the place of arrest; separated from those misrepresentations concerning his friendship and intimacy with Lord Pigot, which have hitherto constantly attended the mention of that fact.

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It was on the 23d of August that Colonel Stuart received the orders from the Majority of Council, to put them in possession of the fortrefs and garrison of Fort St. George, and to arrest Lord Pigot. Colonel Stuart accordingly took his measures for seizing the fortrefs, and for arresting the person of Lord Pigot, even in the Fort, if it could not be otherwise accomplished; but he foresaw that this might be attended with very disagreeable and fatal consequences.

It therefore became a most natural and meritorious wish, on Colonel Stuart's part, that the most effectual means should be used to avoid these consequences; there was little time left for deliberation, nor could the matter be allowed to hang over in suspense, in expectation of any accidental opportunities of arresting Lord Pigot's person in a private manner, for the secret of the orders signed by the seven Members of the Majority was already in many hands.

On the 24th of August, Colonel Stuart having learnt that Lord Pigot intended to sup that evening at the Company's Garden-house, it occurred, that this was an opportunity not to be neglected; and that it afforded the best, if not the only chance of arresting Lord Pigot in a private manner, without tumult or bloodshed. It was therefore resolved, that Lord Pigot's carriage should be stopped, and his person secured, when on the road from Madras to the Garden-house.

The execution of the plan was intrusted to three officers of distinguished rank and merit in the Company's service, Colonel Eidington, the Adjutant-General, Captain Lysaght, commanding officer of a battalion of Sepoys, and Major Horne, who commanded the artillery at the Mount; and their instructions were, to conduct Lord Pigot to Major Horne's house at the Mount, there to be under the charge of that officer, and to be treated with every possible mark of personal attention and respect.

The place where Lord Pigot was to be arrested was very near both to the Fort and town of Madras, and to the Sepoy guard at the Garden-house. The total distance from the Fort to the Garden-house

is somewhat less than a mile, and the place chosen for the arrest was ~~not three quarters of a mile from the Fort, and not 200 yards distant~~ from the barracks of the Governor's guard at the Garden-house, which is the place of his residence, and where there is always a considerable part of a battalion of Sepoys for the Governor's guard. In these circumstances it was not easy to foresee what incidents might possibly arise to obstruct or prevent the arrest in the event of Lord Pigot's making resistance, nor was it easy to guard against the fatal consequences that might be produced by a scuffle ensuing, where an alarm might so speedily be spread.

Colonel Stuart having given positive orders to Colonel Eidington and Captain Lyfaught, to arrest Lord Pigot that evening, these officers would have thought themselves peremptorily bound in all events to have obeyed these orders; nor could they have taken it upon them, if their commanding officer was not present, to vary the orders, or the execution of them, as circumstances might require.—This was one strong inducement to Colonel Stuart to be present, and for that purpose to accompany Lord Pigot in the chaise that evening;—Colonel Stuart being the commanding officer, who had given the orders, he was the only person who could adapt the execution of them to the exigency of such circumstances as might occur; for, in critical affairs of this nature, it often happens that unexpected circumstances beyond the reach of human foresight arise in a moment, sufficient to baffle the best concerted plan, unless the remedy be as instantly applied.

It occurred also to Colonel Stuart, that his being in the same chaise with Lord Pigot, would more easily prevent the confusion which would probably take place from his Lordship's attempting to drive his horses past the officers who were ordered to arrest him, and who were on foot, and in the event of a scuffle might very probably have fired into the chaise.

No situation can be imagined in which more reasons could concur, for studying every precaution that could possibly tend to prevent any alarm, struggle, or confusion; for if the plan of arrest had failed

in the execution that night, *the very attempt*, whether defeated by resistance and the loss of lives, or by Lord Pigot's escaping from those who had been ordered to arrest him, must have been productive of the greatest confusion, and have involved the settlement in all the horrors of a civil war.

In short, it appeared to Colonel Stuart at that time, and he still continues of the same opinion, that it would have been unpardonable in him in his situation to suffer the apprehension of the commentaries which malice, or mistake, might suggest, to have outweighed the importance of the various objects and motives of a public nature, as well as the considerations of humanity for Lord Pigot himself, and for others, which concurred to excite him to this step of attending his Lordship in the chaise to the place of arrest.

If the events subsequent to the arrest had shewn that Lord Pigot, by Colonel Stuart's attending him in the chaise, had been brought into a snare which would not otherwise have happened;—if the object of it had been to affect his life, or even to expose him to more personal injury;—or if it had appeared that Colonel Stuart could have been actuated to this particular mode by sinister views or motives of self-interest, and was to receive any personal benefits from accomplishing the arrest in this manner; in all or either of these cases, Colonel Stuart admits that the circumstance of his attending Lord Pigot in the chaise ought to be viewed in a very exceptionable light, and to receive every unfavourable interpretation which either has been, or can be bestowed upon it.

But he apprehends that the reverse of all these injurious suppositions have been established beyond the possibility of doubt.

I shall here beg leave to transcribe the paragraph of a letter dated the 14th of September 1777, which I received a considerable time ago from my Brother, the original of which is at your command; and what I am now to transcribe, will serve also for the purpose of refuting the very unjust imputation endeavoured to be fixed upon Co-

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Jonel Stuart's character, by those who pretended to believe, or attempted to persuade others, that in the moment of the arrest, Colonel Stuart, by his expressions and manner, had behaved harshly and even brutally to Lord Pigot.

The paragraph is in these words :

“ I again and again repeat, that no other way than what I followed, suggested from the most tender regard to humanity, and to the safety of Lord Pigot's own life, could have effected this arrest without confusion or bloodshed. In the letter I wrote several weeks ago, I have entered particularly into the mode of my seizing Lord Pigot, in answer to the paper printed here ; I shall here add, and declare the same before God, that not an uncivil or improper word fell from my mouth on that occasion. When the Adjutant-general stopped the chaise, in which I was along with Lord Pigot, he (Lord Pigot) made a short pause, and was looking about him ; we were then in the middle of the road, at a very small distance from the Sepoy-guard at his Garden-house, and many servants round the chaise, and many people passing in the road.—The moment was critical, not only because the least noise extraordinary would have alarmed, but what is particular, as the reins were in his hands, and the horses very spirited, he might have forced them on, in spite of me, and the certain consequence would have been his getting home ; and myself, with all the officers or others, who, with me, thought it our duty, to obey the Majority as the legal government, must have been dismissed the service, or tried for our lives. This led me, on observing a kind of hesitation to obey on the part of Lord Pigot, forthwith to seize the reins with one hand, and put my other hand to his arm : to the best of my recollection, the precise words I made use of were, “ *My Lord, you must go out.*” They were uttered, not in a brutal or contemptuous tone of voice, but with the tone of respect as well as anxiety.—Lord Pigot then instantly went out, without my saying one word more, or his making any answer.”

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In another letter, wrote by my Brother to me from Tanjore; in May 1777, there are the following paragraphs on the subject of Lord Pigot's arrest :

“ I chose to obey, what I judged from common sense, and what the
 “ Governor-general and Council has since established to be, the only legal
 “ government. I have said that it was at a great risque that I did this ;
 “ because every thing that has happened to me would have come to me
 “ in course, and by the Company's orders, without any risque at all, had
 “ I feigned sickness, or remained an unconcerned spectator; but in
 “ truth, I lost my health, and gained nothing in other respects by the
 “ change, except the satisfaction of having done my duty ; and there-
 “ by, I hope, deterred others from innovating or overturning the estab-
 “ lished law or constitution of Government.

“ I know the personal reflections of my enemies upon the occasion ;
 “ but as it can never be said that personal fear or apprehension in-
 “ duced me (under the appearance of going to his, Lord Pigot's,
 “ country-house) to have a place in the chaise with him, and to make
 “ that an essential part of my plan ; I observe, that as that cannot be
 “ asserted with respect to me, who had the army under my absolute
 “ command, and who had actually given my orders to take him by
 “ force from the Fort, or wherever he was, had no opportunity
 “ offered of my going in the chaise with him, the unprejudiced Public,
 “ in judging of this act, will, I hope, therefore, do me the justice to
 “ infer, that it was from motives of humanity, to prevent bloodshed
 “ and public disaster, and for the personal safety of Lord Pigot.” •

I shall conclude what relates to this subject, by barely mentioning the strong and marked approbation, which the whole of Colonel Stuart's conduct, at that difficult crisis, received from the Governor-general, the Commander in Chief, and Supreme Council in Bengal, to whom a superintending power over all the Company's settlements in India, both in matters civil and military, was delegated by the authority of Parliament.

That Supreme Council had the best opportunities of being particularly and impartially informed of all the facts, and circumstances, which gave occasion to, which preceded and accompanied the arrest of Lord Pigot, and after receiving the fullest information from both parties, and from Lord Pigot himself, they gave their complete approbation, not only of the resolution taken by the Majority of Council at Madras, of asserting their rights, and assuming the government, but of the mode in which that resolution had been executed.

The letters of Sir John Clavering, of the 15th, and of Governor Hastings, of the 18th of September 1776, which were published when these disputes were recent in this country, prove that, besides a general approbation in Council, they both gave great credit to Colonel Stuart, for the mode in which the orders of the Majority of Council had been carried into execution, *without bloodshed, without tumult, and without the violation of one legal form.* These are the words of Governor Hastings' letter to Mr. Stratton, wherein he expresses himself in the strongest terms, considering it as a thing almost without example; and in the letter from Sir John Clavering to Colonel Stuart, of the 15th of September, there is not only an approbation of his conduct, but, in terms the most flattering, Sir John Clavering gives him applause for the *honour of conducting so difficult and dangerous a business,* and for the *spirit and magnanimity* with which he had executed it.

It is well known, that no man could possibly possess a higher sense of honour, as well as of propriety and delicacy of conduct, than the late Sir John Clavering; and when we see that such distinguished marks of approbation were bestowed by him upon Colonel Stuart, for the whole of his conduct, it ought at least to go a great way in counteracting the prejudices which have been so industriously spread, and to satisfy the world, that, in the mode of arresting Lord Pigot, and of carrying the orders of Council into execution, there had been nothing done that was in any degree improper or unbecoming the character of an officer and a gentleman; because, had it been otherwise, the strictness of Sir John Clavering's sentiments, and

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the nice delicacy of his feelings upon every point of honour, would have led him to be more forward than any one in his censure and disapprobation.

To confirm the weight due to the testimony of so respectable and honourable a man as Sir John Clavering, I can prove by letters in my possession, that after full information of what had passed at Madras, and after knowing the outcry raised against Colonel Stuart by one party, Sir John Clavering continued his approbation of Colonel Stuart's conduct, and honoured him with the most sincere friendship and confidential correspondence till the latest period of his life.

I am sensible, Gentlemen, that I require many apologies for taking up so much of your time in the discussion of what relates to the mode of arresting the person of Lord Pigot, and the circumstances immediately preceding; but I trust, that I shall meet with some indulgence, when it is considered how violently my Brother's character and conduct have been attacked on this point, and when it is also considered what severities and hardships he has experienced, in consequence of the imputations against him, made at a time when, from the distance of place, there was no opportunity of his being heard in his own defence.

All these severities I must place to the account of the rage and prejudices raised against him on account of the *mode of arrest*; because, independent of that, and of the circumstances immediately preceding it, the propriety of Colonel Stuart's conduct necessarily depends upon this very narrow point,—Whether he ought or ought not to have obeyed the order of the Majority of Council; and whichever way men might decide that point. In their own minds, a mere error in judgment on Colonel Stuart's part, supposing it to have been an error, could not have produced the rage, prejudice, and obloquy, which have brought upon him such grievous severities and hardships.

*The punishments
and hardships
sustained by
Colonel Stuart,
in consequence of
the disturbances
at Madras.*

Having given so full an account of Colonel Stuart's conduct in consequence of the orders he had received from his Superiors, and having shewn the motives as well as the consequences of that conduct, I hope I may now be permitted to put the question, What crime has Colonel Stuart been guilty of towards you, Gentlemen, his Honourable Employers, or against the Interests of the East India Company?

If the crime is to be judged of from the nature and extent of the punishments inflicted, it must have been a crime of great magnitude indeed, and such as could not easily be atoned for.--A short review, therefore, of the punishments and hardships he has suffered, becomes absolutely necessary, and will clearly evince the truth of this proposition.

In consequence of the first reports brought to England in the year 1777, of the transactions at Madras in August 1776, Colonel Stuart was suspended the Company's service for six months; the general letter which contained this order of suspension, was carried out by Mr. Whitehill, who arrived at Madras in August 1777; the order of suspension was immediately intimated to Colonel Stuart, who, by the death of Sir Robert Fletcher, in the month of December preceding, had attained the situation of Commander in Chief, and the rank of Brigadier-general in the Company's service; to both of which he succeeded in consequence of an agreement with the East-India Company before his departure for India.

Immediate obedience was given on the part of Colonel Stuart, to the will and pleasure of his Honourable Masters, and he was deprived of the command of the army, which, for many months preceding, he had been making every exertion to improve and to put on the most respectable footing.

Colonel Stuart was not only thus suspended without any trial, without any specific crime or charge being alleged against him in the order for suspension, but he was superseded in the command, by the appointment of another officer, Colonel Monro, who was sent from England on purpose to take the command of the army at Madras.

The supercession of Colonel Stuart by a younger, though a very deserving officer in his Majesty's service, was, according to the military *etiquette*, an additional circumstance of mortification, especially as the new Commander in Chief, Colonel Monro, obtained at once the rank of Major-general in the Company's service.

This supercession was not for a limited time; as General Monro's commission was unconditional and absolute, without reference to the result of any future inquiries or trials in relation to Colonel Stuart's conduct; so that he had before him the melancholy prospect of being *certainly* punished and degraded at all events, whether innocent or guilty: indeed, the only case that was at all in contemplation or provided for, was that of his being *guilty and deserving of punishment*; but no sort of provision was made, no care whatsoever was taken of him, in the event, that, upon inquiry or trial, he should be found to have been *innocent*, or to have *acted meritoriously* for the interests of the Company.

The general letter of the Company, sent by the Besborough in July 1777, continued Colonel Stuart's suspension, and directed that his conduct should be examined into by a Court of Inquiry, and that he should be tried by a Court-martial; but in case he had been guilty of no military offence that was cognizable by Martial Law, then it was ordered that his suspension from the service, instead of being taken off, as one might reasonably expect, should be continued indefinitely, and without limitation of time.

Such are the directions which have been sent from this country with respect to Colonel Stuart; and it may be proper before stating what:

what passed at Madras, in consequence of the latest of these directions, respecting the trial by a Court-martial, to mention some of the intermediate hardships which he suffered in India, by the means of vexatious suits, both of a Civil and of a Criminal nature, brought against him at Madras, in consequence of the transactions of the month of August 1776.

Upon the 14th of October 1776, a Bill was filed in the Mayor's Court at Madras, by Lord Pigot against Colonel Stuart, for damages, to the amount of 200,000 l., on account of the arrest of his person on the 24th of August: and his Lordship's Attorney having appeared and made affidavit, that he believed Colonel Stuart was about to withdraw himself from the jurisdiction of the Court, he therefore prayed that a warrant of arrest might be issued. Colonel Stuart having appeared by his Attorney, the Court, by a majority of five to four, ordered bail to be found to the extent of 15,000 l. which was dissented from by some of the Members as excessive.

At the same time, in October 1776, a Bill of complaint was filed in the Mayor's Court, by Mr. Ruffel, against Colonel Stuart, for damages, to the amount of 40,000 l., founded on his forcibly carrying Mr. Ruffel from the Parade to the Consultation-room, on the 24th of August, in the manner already related. Mr. Ruffel's Attorney having made a similar affidavit with Lord Pigot's Attorney, and prayed for a warrant to arrest Colonel Stuart, the Mayor's Court was pleased to order him to find bail in this action likewise, to the amount of 4000 l.

As the Mayor's Court was thought to be very partial in these proceedings, and that the amount of the bail thus ordered by them was, in the circumstances of the case, judged to be excessive, Colonel Stuart was advised to carry the cause immediately from that Court by appeal to the Governor and Council.

In his reasons of appeal he gave answers to the various articles contained in these Bills of complaint against him, and maintained that he was in no respect responsible for the measures which, as acting in obedience

obedience to the orders of his superiors, both civil and military, he had carried into execution, that it was therefore highly vexatious and oppressive to distress him by these suits, or by an order for bail so exorbitant and excessive, that it was even greater than what the same court had obliged the Commander in Chief, Sir Robert Fletcher, to find in a similar action brought by Lord Pigot against him, for the like sum of 200,000 l. damages.

Colonel Stuart further averred, that he had no intention of withdrawing himself from the jurisdiction of the court; and that, all circumstances considered, so far from being subjected to *excessive bail* in both these cases, he ought not to be put to the hardship and inconvenience of finding any bail in either.

With respect to Mr. Ruffel's action, Colonel Stuart gave this additional answer, that the situation in which he, Mr. Ruffel, was found, on the evening of the 24th of August, exciting the troops in the garrison to mutiny and sedition, which, if not instantly checked, might have been of very fatal consequences, had put Colonel Stuart under the absolute necessity of forcing Mr. Ruffel from the main-guard.

The matter was carried first from the Mayor's Court by these appeals to the Governor and Council, who declined taking any cognizance of it, as they had been parties interested in the business which gave rise to the actions. Colonel Stuart therefore afterwards appealed to the King and Council in England.

But these were not the only actions by which he was vexatiously and unnecessarily harassed for obeying the orders of his Superiors. He was one of those against whom the proceedings of the Coroner's Inquest, assembled at Madras upon the death of Lord Pigot, were directed.

That Inquest assembled at Madras on the 11th of May 1777, the day on which Lord Pigot died, and continued their examinations and deliberations from that time till the 7th of August 1777; when, in the fervency of their zeal, they were pleased to pronounce one of the most notable and extraordinary verdicts, that in such or any other circumstances has appeared in the records of this or of any other country.

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Mr. Ram, the Coroner, and his Inquest, pronounced and declared,
 " That *George Stratton, Henry Brooke, Charles Floyer, Archdale*
Palmer, Francis Jourdain, and George Mackie, in the civil ser-
 " vice of the East-India Company at Madras, and *Brigadier-general*
Sir Robert Fletcher, Colonel James Stuart, Lieutenant-colonel James
Eidington, Adjutant-general, and *Captain Arthur Lyfaught*, in the
 " said Company's service at Madras, and *Major Matthew Horne*, com-
 " manding the corps of artillery in the said Company's service, then
 " stationed at St. Thomas's Mount, did, in manner and by means
 " therein recited, *feloniously, voluntarily, and of their malice fore-*
thought, kill and murder the said George Lord Pigot; and that a
 " *serjeant and sepoy*s therein described, and *certain officers and soldiers*
belonging to the corps of artillery, and another serjeant and other se-
poys stationed at the Garden-house, all of whom were to the Jurors
 " as yet unknown, were at divers times present, aiding, abetting, as-
 " sisting, and maintaining the said George Stratton, Sir Robert
 " Fletcher, and the other persons before named, to do and commit
 " the felony and murder aforesaid."

What makes this verdict the more remarkable is, that it was not alleged, nor was there the most distant suspicion of any sort in India, that Lord Pigot had died an unnatural death, or that any means had been used with a view of occasioning his death; on the contrary, the physicians who attended his Lordship during his illness, declared upon oath, that *disease* was the immediate cause of Lord Pigot's death, and that the *disease* was a *putrid bilious fever*, originating in a disordered liver.

In the course of the evidence it also came out, that, to all outward appearance, Lord Pigot enjoyed an uninterrupted state of good health, from the day of his arrival at the Mount, after his arrest on the 24th August 1776, until the beginning of March 1777, about which time the appearance of his bilious fever first began, of which first illness, with the assistance of Doctor Pasley, his Lordship recovered in a great degree; but not having afterwards taken sufficient care of himself, he had a relapse, which carried him off on the 11th of May 1777.

Here

Here it is well worth observing, that during the whole period of Lord Pigot's illness, and at the time of his death, Colonel Stuart was absent from the Presidency of Madras, at the distance of some hundred miles from his Lordship; as he went to Tanjore, on the 11th of February 1777, at which time Lord Pigot was known to have been in perfect health, and did not return to Madras until the end of June that year.

Nevertheless Mr. Ram, and his Inquest, thought proper to pronounce a verdict of *wilful murder*, against Colonel Stuart, and the other Gentlemen, founded on artificial and metaphysical reasonings (delivered upon oath), from which they wished to establish a belief, that the arrest of Lord Pigot, on the 24th of August 1776, and the agitation of his mind on that and subsequent occasions, had, by the imperceptible influences of the mind upon the body, generated the disease of which his Lordship died in the month of May 1777.

The whole proceedings of that Inquest, and the evidence laid before them, together with Colonel Stuart's defence, drawn up by himself, in answer to the accusations brought against him, have been lately printed and published; and I believe I may venture to say, that every impartial man of sound judgment, who reads that publication, will be of opinion, that nothing could be more unjustifiable, and reprehensible, than the conduct of that Coroner and his Inquest; the absurdity of it would deserve only to be laughed at, if such an attempt against the lives and reputations of a number of persons of rank and character could be viewed without abhorrence and indignation.

Vexatious, contemptible, and ill-founded as these proceedings were, they had however the unavoidable effect of harassing Colonel Stuart exceedingly; they subjected him to a degree of public affront and opprobrium, from his being exposed to the imputation of *wilful murder*, by the verdict of twelve men upon oath, six of whom however, at one time, voted that it was only *manslaughter* while the other six declared it *murder*; upon which the Coroner was pleased to remark, That *the matter must be re-considered*, and he afterwards prevailed on a Majority of them to agree in opinion that it was wilful murder.

This verdict was, upon the 24th September 1777, sent by the Coroner to the Governor and Council of Madras, with a request from the Coroner, to be assisted in apprehending the persons therein accused; upon which the Governor thought it regular for him at that time to sign a warrant of commitment against Colonel Stuart, and the other persons accused, directed to the Sheriff of Madras.

Colonel Stuart and the other Gentlemen were accordingly in the custody of the Sheriff until some time in October following, when the Justices, after having examined Sir Edward Hughes and some other respectable witnesses, judged it proper to admit the prisoners to bail, in the sum of 10,000 l. each.

The proceedings and the examinations before the Justices were continued until the end of November 1777, when the Justices received from Bengal the opinions of the Judges of the Supreme Court of Judicature there, by which these Judges, upon consideration of the facts, and of the proofs stated in Mr. Ram's inquisition, declared their unanimous opinion, that there were not materials sufficient for an indictment either of *murder* or *manslaughter*, and they also, from other defects and irregularities in that inquisition, gave their opinion, that it might be quashed or set aside.

In conformity with this opinion received from the Judges of the Supreme Court of Judicature in Bengal, the Justices at Madras, upon the 26th of November 1777, declared, " That the said proceedings were " irregular, and contrary to law. And resolved, that the whole be " quashed and set aside, and that the persons accused be discharged " by proclamation."

Thus ended the malevolent and irregular proceedings of the Coroner's Inquest; from the short state of which it must appear, that Colonel Stuart, was for many months (during which time too he was in a bad state of health from the consequences of a bilious fever), very unjustly ~~incurred~~ by the charge brought and verdict given against him, and by having his name and character exposed as guilty of so heinous a crime.

Amidst

Amidst all these distresses, however, one consolation still remained, Colonel Stuart comforted himself with the prospect that he should soon have an opportunity of vindicating his character and conduct in the course of a *regular trial*; when not only the orders under which he acted, but when likewise all the facts and circumstances would be ascertained by unquestionable evidence, and then he flattered himself, that the prejudices which had been raised against him would take an opposite direction, and that he should meet with the redress due to an injured officer.

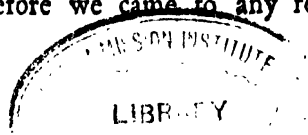
In this expectation, of a speedy trial, and consequent redress, he has also been disappointed; for the orders which were carried out by the Besborough for his trial by a Court-martial have not hitherto produced any effect. That trial, which he so ardently wished for the vindication of his honour and character, has been denied him, by the Commander in Chief, and by the President and Council of Madras; at the same time his suspension has been continued, and he remains in that country waiting with impatience the return of the dispatches sent from Madras in the month of March last.

It is not my intention to impute blame either to the Commander in Chief or to the President and Council of Madras, for the part they took in refusing to Colonel Stuart his trial by a Court-martial; they have acted, no doubt, upon grounds which afforded conviction to their minds, and it is well worth observing that this refusal was founded on opinions which were very far from containing any thing unfavourable to Colonel Stuart's conduct, but the very reverse, for as far as they go they may be considered as presumptive proofs of his innocence, at least of his having committed no offence that was cognizable by martial law.

Their General Letter to the Court of Directors, dated the 14th of March last, shews how anxiously Colonel Stuart courted the opportunity of vindicating his conduct by a public trial. Paragraph 14th of that letter is in these words:

“ General Stuart, as soon as he ~~was furnished~~ with a copy of
 “ your Orders, and before we came to any resolution concerning
 3”

“ him,



.“ him, addressed three letters to us, all of them pressing upon
 “ us, in the most anxious manner, his desire to be tried by a Court-
 “ martial; and fearing lest any doubts or difficulties should occur to
 “ us on the subject, he introduced several arguments to shew his right
 “ to demand a Court-martial, and pointed out different articles in the
 “ Articles of War by which he thought he might be tried. Although
 “ his letters did not contain any reasons of sufficient strength to in-
 “ duce us to alter our opinions upon his case, yet the uneasiness of
 “ mind expressed in them was such, that we felt much concern for
 “ the peculiar circumstances of his situation.”

The reasons which induced the President and Council and Com-
 mander in Chief at Madras to refuse the trial by a Court-martial ap-
 pear to have been founded upon prudential grounds, and upon a doubt
 whether a Court-martial were competent to decide upon a case which
 involved questions of nice discussion relative to the Company's consti-
 tutional government. This is expressed very clearly in the 10th para-
 graph of their General Letter above mentioned, which is in these words:

“ The acts of arresting and imprisoning the person of the late Lord
 “ Pigot were sufficiently clear; your disapprobation of those acts is
 “ strongly expressed in your late orders; but that disapprobation does
 “ not make them offensive in the eye of martial law, and no charge
 “ could be grounded upon it. In order to determine whether General
 “ Stuart's conduct be criminal in that view, and before any charge
 “ could be prepared, it became requisite to consider the nature of the
 “ orders and authority under which he acted, with other particular
 “ circumstances attending the arrest of Lord Pigot. The Company's
 “ records, and General Stuart's own Narrative of the transaction, clear-
 “ ly shew, that his Lordship was arrested by an order under the fig-
 “ nature of George Stratton Esquire, Sir Robert Fletcher, Henry
 “ Brooke, Charles Floyer, Archdale Palmer, Francis Jourdain, and
 “ George Mackie, Esquires; which order General Stuart in the Narra-
 “ tive declares he considered as legal, and the Gentlemen who issued
 “ it the legal Representatives of the Company. *General Stuart appears*

“ to have done nothing in this transaction independent of that authority.
 “ which gave him the order. If that authority were clearly illegal,
 “ or the order illegal, the arrest and imprisonment of Lord Pigot by
 “ military force, may be deemed an act of mutiny, and the persons con-
 “ cerned liable to be tried by an express article of war; but we own to
 “ you, these questions appear to us to be of so nice and important a nature,
 “ that we did not think ourselves competent to form a judgment upon
 “ them, with that precision which was necessary to constitute and
 “ maintain a charge against an officer for a crime deemed capital by
 “ Martial Law. It is true, indeed, that in the first paragraph of
 “ your Letter, dated the 11th of June last, you were pleased to ex-
 “ press yourselves in very strong terms of the arrest and imprisonment
 “ of the late Lord Pigot; calling it “ a total subversion of your legal
 “ government.” Yet, when we consider the doubts expressed in the
 “ 53d paragraph of your Letter of the 4th of July, we could not but
 “ be of opinion, that they must in some degree have arisen from doubts
 “ concerning the legal authority and orders by which the arrest was
 “ executed; and under the influence of this opinion, we thought it
 “ would not only be presumptuous but imprudent, and even danger-
 “ ous, for us, upon the authority of our own judgment, to found a
 “ crime which might touch the life, character, or fortune of any
 “ man; and that even if we had gone so far as to have prepared a
 “ charge and delivered it to a Court-martial, it might admit of great
 “ doubt, whether a Court of that nature were competent to decide
 “ upon a case, which involved questions relative to the Company’s
 “ constitutional government, so nice and intricate as those which have
 “ been before mentioned.”

I cannot help observing here, that the whole tenor of the above para-
 graph indicates the opinion of the Governor and Council of Madras to
 be, that Colonel Stuart’s innocence or guilt depends totally on the *lega-*
lity or *illegality* of the orders he received; an opinion which I can-
 not entirely acquiesce in,—but which nevertheless makes it sufficiently
 evident that, when upon the spot, they did not see his conduct, as to the
 “ mode

mode of the arrest and the circumstances preceding it, in the light they have been represented in this country; for they say expressly, that Colonel Stuart appears to have done nothing in this transaction independent of that authority which gave him the orders; they doubtless would have expressed themselves in another manner, if they had found any misconduct in the execution.

The correspondence and papers which passed upon this occasion between the Governor and Council of Madras and Colonel Stuart, in the months of February and March last, have, as I understand, been all sent home to you; I shall therefore beg leave to refer to them as containing his reasons, stated at great length, why he thought that, notwithstanding the difficulties pointed out by the Governor and Council, and by General Monro the Commander in Chief, still he was entitled to expect, and even had a right to demand, that, in the peculiar circumstances of his case, the door of trial by a Court-martial should be thrown open to him, and every possible indulgence granted for facilitating to him the means of redress.

At the time when Colonel Stuart gave in to the Board at Madras, the papers wherein he so earnestly contended for his trial, he was ignorant of one additional misfortune, of a very serious nature, brought upon him in consequence of the order from the Directors of the Honourable Company appointing him to be tried by a Court-martial; had he known it, that consequential misfortune would have added greatly to the weight of those which preceded, and if possible have increased the zeal of his remonstrances upon the hardship of refusing or delaying that trial.

The disappointment which Colonel Stuart, in the course of last year, met with, in relation to his preferment in his Majesty's service, is what I allude to.

Subsequent to the orders for a Court-martial, which you were pleased to send out to Madras by the Besborough, in July 1777, a very extensive

tensive promotion of officers in his Majesty's service took place in the month of September of that year; by which a great number of Lieutenant-colonels attained the rank of Colonel in the King's service.

Colonel Stuart, who had been a Lieutenant-colonel in his Majesty's service since the year 1762, was very near the head of the list of those Lieutenant-colonels who were to acquire rank from this promotion; but it is a rule with his Majesty's servants in that department, that an officer under orders for trial by a Court-martial is not to be promoted till the event of such trial is known. It was thought therefore that Colonel Stuart could not, with propriety, be included in the general promotion which at that time took place, until the issue of that trial, ordered by the Directors, was known: the consequence was, that he was passed over in that promotion, and thirty-two Lieutenant-colonels, younger in the service than Colonel Stuart, obtained the rank of Colonel, notwithstanding that Colonel Stuart's merit and services were universally allowed to entitle him to that preferment.

Thus, by a complication of peculiar hard fate and misfortunes, the obedience which Colonel Stuart had given in the month of August 1776, to the orders of his Superiors both civil and military, produced—first his suspension from the Honourable Company's service for six months,—then his supercession in the command of the army in the Carnatic,—then an order for his trial by a Court-martial,—which order produced the measure of denying to him the rank of Colonel in the King's service, at a time of general promotion;—and lastly, he meets with a refusal of that trial, which if it had taken place, Colonel Stuart is confident, would have remedied not only this hardship in the King's service, but likewise the other evils of which he has so much reason to complain.

That you may perceive, Gentlemen, that there is nothing exaggerated in the account I have here given of the severe disappointment my Brother and his friends met with at the time of the general promotion of Officers in his Majesty's service last year; and that this disappointment was occasioned by the order you had given for his trial by a

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Court-martial, I beg leave to annex the whole of the correspondence on this subject, which passed between Lord Barrington, the Secretary at War, and me, in the months of September and October 1777.

In that correspondence you will observe, that it is not on account of any opinion, formed by his Majesty's servants of Colonel Stuart's having acted improperly in India, that he was passed over in the King's service; but that it was occasioned from *etiquette*, by the orders for his trial, and which was to be afterwards remedied, if the result of the trial should be in his favour. The expressions in Lord Barrington's letter to me of the 3d of September 1777, are, "That full and perfect justice will be done to him (Colonel Stuart) hereafter, if his conduct in India resembles the rest of his conduct through life."

His Lordship was afterwards pleased to explain the matter further, and to mention to me various instances, where officers of good reputation, who were liable to be tried by a Court-martial, at a time when a general promotion took place, which they would otherwise have been entitled to the benefit of, were denied that promotion until the decision of the Court-martial, after which their rank was allowed to them in the same manner as if they had not been passed over.

Although I was fully persuaded that it was no part of the wish or intention of the East-India Company, that the hardships which they had inflicted, should be productive of any additional evil to Colonel Stuart, in any other line than their own service; yet I have hitherto abstained from giving you any trouble or representations about these consequential unintended hardships; nor should I have mentioned them at this time, or presumed to give you the trouble of reading the correspondence between the Secretary at War and me upon this subject, if it had not now become unavoidably necessary, for two reasons.

One is, that I find false reports have been spread about the manner and occasion of my Brother's being passed over in the promotion of last year in his Majesty's service; it has been stated as a proof of his guilt, and

and the turn given to it in many quarters is, that his Majesty's servants, upon being fully apprised of all the circumstances of Colonel Stuart's conduct in the disturbances at Madras, had formed such a decided opinion, that his preferment in the King's service was now absolutely and unconditionally stopped.

The other reason is, that you, Gentlemen, from the perusal of that correspondence with the Secretary at War, may not only be informed of the true state of the case, but likewise may perceive the great supervenient hardships which he has suffered, though not intentionally, by the late refusal or delay of his trial by a Court-martial.

It is not with a view to find fault, nor in the spirit of complaint or ill-humour, that I have taken up so much of your time in stating the various hardships that have been heaped upon my Brother in consequence of the unfortunate disturbances at Madras, but merely that the nature of his conduct and the extent of his sufferings, should be brought under your consideration, more precisely, and with less mixture of foreign matter than they have ever hitherto been.

The motives & objects of the present application.

So far am I from stating his case merely with a view of imputing blame, that I am ready fairly to acknowledge, that when the accounts first came to this country of the disturbances at Madras, with all the circumstances *said* to have attended it; and when it was not foreseen to how much greater length these convulsions might proceed, and what the consequences might be to the peace and security of the Settlement; I say, upon that occasion, it was extremely natural, not only to feel a degree of prejudice and displeasure at what had happened, but to be alarmed for the future consequences, and to endeavour to avert them, by marking a disapprobation of the seemingly violent and improper conduct of all the actors in the late disturbances.

It was a difficult task for you, Gentlemen, amidst the rage and animosity which actuated the minds and influenced the representations of the opposite parties, to discriminate the guilty from the innocent, or to ascertain the different degrees of offence which had been committed by your servants in that Settlement; neither was it possible for you to pronounce any judgment, or to pursue any general measure, that would be satisfactory to all parties.

Perhaps, indeed, the steps you did pursue on that difficult occasion were, upon the whole, as little exceptionable, and had as many probable appearances of being well calculated for establishing peace in your Settlement, and to prevent the growth of further evils, as any that could have been devised in the circumstances in which you were placed; and there is this strong presumption in favour of the wisdom and impartiality of your measures, that countenancing the extremes of neither party, they were in some degree unacceptable to both.

But give me leave, Gentlemen, to observe, that the very same conduct, which, with a view and upon a plan of prevention, may properly be adopted at a particular crisis of public confusion, and while there is yet an uncertainty to what issue that confusion is to lead, may and ought to be very different from those measures which should be taken with regard to offences already past, and where the whole extent of the mischief has been already ascertained; when the latter is the case, there is room for taking into consideration the exact measure and proportion of each man's offence or merit, and it is a matter of justice to give redress to those, who, though unavoidably involved in the general hardships incident to individuals upon public disturbances, shall be found, either to have suffered far beyond the magnitude of their offences, to have been innocent, or perhaps highly meritorious.

It is to this consideration, Gentlemen, that, with your permission, I wish to conduct your attention; for the Madras disturbances are now and have been long at an end, the period is arrived, which not only admits but loudly calls for, the discrimination of every man's conduct,

duct, and for proportioning the punishment or redress that is due to him.

During many months after the arrival of the first accounts of the Madras disturbances, which reached England in the month of March 1777, there was an extensive field opened for men of warm imaginations to alarm themselves and the Public, by painting scenes of horror, anarchy, and confusion, which were to be the infallible consequences of the steps taken by the Majority of Council, and by Colonel Stuart, in the month of August 1776.

We must all remember the dismal predictions which were made in the General Courts of Proprietors, and circulated in the Public at large, with a degree of confidence little short of certainty.

The prophets and orators of those times affected to dread the arrival of any ship, or other means of intelligence, from India, because they seemed persuaded, that we should soon have the melancholy accounts of many lives lost, and of complete anarchy and confusion from one end of the Carnatic to the other.

The Princes or Powers of that part of India, either with or without the assistance of the French, were to take advantage of those confusions, and to subdue or expel us from the country; the Nabob of Arcot, at least, after getting rid of Lord Pigot, his most formidable opposer, and the controller of his views, would undoubtedly establish his own power and independency upon the overthrow of the British dominion in the Carnatic; and there could be no danger of the Nabob's being thwarted in his attempts by those corrupted and seditious counsellors, whom he had instigated to such violent proceedings against Lord Pigot, and who were totally at the devotion of this Mahomedan Prince.

Above all, it was perfectly clear, according to those predictions, that Colonel Stuart, who had taken so active a part in the arrest of Lord Pigot, by military force, and who had the army totally at his devotion, would find out a better interest to cultivate, than that

of his Honourable Employers, the East India Company; and that he meant *to set up for himself* in that part of the world, and would either laugh at any orders that should be sent from the India-House, to deprive him of his power, or would oppose force by force.

Such were the gloomy predictions, and it was in vain to argue against them in whole or in part;— but the period has long been closed within which these prophecies were to have been fulfilled, and what has *really* happened within that period, is so totally unlike every thing which disturbed the imaginations of some too credulous Proprietors, that it will hardly be believed that such unfaithful pictures could ever have been drawn of Colonel Stuart, and of the events which were to be produced by his conduct.

Instead of confusion! and civil war, there never was a more settled state of quiet and tranquillity.—Instead of resistance on the part of Colonel Stuart, and *setting up for himself*, there has been the most uniform and implicit obedience to the orders of his superiors.

When Mr. Whitehill arrived at Madras, in the month of August 1777, with the new commission of government, and with your directions, by which Mr. Stratton and the other Gentlemen of Council were called home, and by which Colonel Stuart, the Commander in Chief of the army, was suspended and superceded; he was the first person who accompanied Mr. Whitehill to the parade, was present at reading the new commission of government, and of the order for his own suspension.

Upon that occasion, he openly and immediately declared his resolution to obey the orders of his Honourable Masters, however hard they might be on himself, and declared that he wished, and did not doubt, that every other person affected by these orders, would be in the same disposition.

On this subject there is the following paragraph of a letter from Mr. Whitehill the Governor, and the Council at Madras, to the Supreme Council at Bengal, extracted from the Minutes of Consultation of the 31st of August 1777.

“ They think it also necessary to observe, with respect to Brigadier-general Stuart, whose situation in the late transactions *was peculiar*, that he shewed the same implicit obedience on his part to the authority of the Company, attended on the parade at the reading of the Company's commission of government to the troops, and was audious, by his whole conduct, to shew to the officers and soldiers the proper sense which he entertained of the Company's orders.”

Upon a subsequent occasion, in September 1777, when Mr. Ram, the Coroner at Madras, in consequence of his extraordinary verdict already mentioned, applied to the Governor and Council to be assisted in apprehending Colonel Stuart, and the other persons who had by that unjustifiable verdict been accused of the wilful murder of Lord Pigot; Colonel Stuart, Mr. Stratton, and the other persons accused, voluntarily delivered themselves up to the custody of the Sheriffs, and declared they were willing and desirous to undergo every sort of trial that the laws of their country could authorize.

Another instance of the same spirit of good order and obedience on the part of Colonel Stuart, and the other Gentlemen who concurred with him, appeared in the month of January in this present year, and is set forth in three letters which passed between them and the Governor and Council, which are printed at the close of the Collection of Authentic Papers lately published, relating to the proceedings of the Coroner's Inquest. As they are too long to be inserted here, I shall only beg leave, in confirmation of what has been mentioned, to insert a part of the letters to you from the Governor and Council of Madras, received by the Houghton in August last; it is in these words:

“ It is a justice, however, that we particularly owe to the Members of the late government, to observe to your Honours, *that their leading example in shewing the most implicit submission to your orders for establishing your new administration, has been of the greatest use in restoring that harmony and good understanding we have just spoken of.*

“ But

“ But besides the general tenor of their behaviour as individuals,
 “ of which we have been eye-witnesses, we beg leave to refer you to
 “ the letter signed by General Stuart, Messrs. Mackay, Palmer, and
 “ Floyer, and to the answer which we thought proper to make to these
 “ Gentlemen; who, for the peace of the settlement, and with a view
 “ to the welfare of your affairs, have agreed to wave the agitation of
 “ questions at this time, which must necessarily have taken our atten-
 “ tion from the immediate business of your government.”

Such has been the conduct of Colonel Stuart, regulated by the most sincere attachment to good order, and to the prosperity of your affairs, and proved by the most unquestionable evidence. As it has been so fully laid before you, it would be needless, and therefore impertinent to make the obvious inferences, by pointing out, and observing upon the many false and injurious representations, which have been circulated to Colonel Stuart's prejudice.

*the redress due
 Colonel
 Stuart, and the
 means by which
 may be accom-
 plished.*

Now that the scene is closed with respect to the course of events at Madras, connected with, or following the disturbances of the month of August 1776, when you are satisfied, that none of the many predicted mischiefs have happened; on the contrary, that without confusion of any sort, both the temporary government of Mr. Whitehill and his Council, and the completely established government of Mr. Rumhold, and the Council which now manages your affairs at Madras, have taken place, and with the most complete submission and obedience to your orders on the part of Colonel Stuart; may I not be permitted, with a degree of confidence, to maintain, that this is the proper time to take into consideration, all the particulars of his case, so very peculiarly circumstanced.

If

If it shall now appear to you, that Colonel Stuart has either not been guilty ~~of~~ any offence, or rather, if it shall appear, as I flatter myself it must, upon a dispassionate review of his conduct, that the person exposed to such a variety of hardships, instead of meriting them, has rendered material services to the Honourable Company; I trust, Gentlemen, that in these events, you will direct the remedies and redress best suited to the circumstances of the case.

After having given you the trouble of reading so much on the subject of Colonel Stuart's conduct, and entertaining more than a hope, that the true state of his case has by this time made some impression on your minds, it may reasonably be expected from me to point out, which I shall do with great submission, the objects I have in view by this application.

Upon this principle, therefore, I shall take the liberty of suggesting to your consideration, the general nature of the redress to which Colonel Stuart, or his friends, may think him entitled; and the modes in which, if it should meet with your approbation, that redress may, without difficulty, be accomplished.

For this purpose, it seems necessary, that one or other of the two following measures should be adopted.

The *first* is by persevering in the plan which had already occurred to you, and to which Colonel Stuart most cordially agreed, that of having every circumstance of his conduct tried by a Court-martial, on the spot where the transactions happened; but then it is extremely material, in the event of your renewing your order for this trial by a Court-martial, that the order be made peremptory and absolute, without any discretion left in India, to refuse that Court-martial; for it is of the utmost importance, to avoid the same uncertainty and hurtful delays which have already happened to Colonel Stuart in consequence of the first order, such delays being of themselves, and especially when attended with suspension, to any person in his situation, a strong degree of punishment.

As the principal difficulty which prevented the Governor and Council at Madras from granting the Court-martial was, ~~that~~ no such trial could be proceeded to with any effect, until it should be previously declared, whether the *legal government* had been vested in a Majority of Council; therefore, it seems essentially necessary, if there can still be found those who think that point not already sufficiently clear, that when the orders are sent out for Colonel Stuart's trial by a Court-martial, your sentiments with regard to this point, respecting the legal government, should accompany the direction for a trial.

If this mode of taking Colonel Stuart's case into consideration is adopted, which I beg leave to observe would of all others be the most acceptable to him, I submit to your consideration, whether, at the same time that you send out the orders for his trial by a Court-martial, there should not be directions sent to fix and ascertain the particular redress he is to receive, in the event of his being honourably acquitted; for what is extremely remarkable, there has never hitherto been any provision made for the case even of his innocence, and much less for the supposition of his merit;—the only thing in contemplation has been the case of guilt, and it becomes the more necessary that such instructions should accompany the order for trial, on account of the immense distance of place, and consequently the material and inevitable loss of time, if Colonel Stuart shall again be obliged to wait the returns from this country to India, before he receives any beneficial effects from his innocence, should the determination of the Court-martial be in his favour.

The *second mode* of doing justice to Colonel Stuart, is by your being pleased to enter upon the examination of his case, and to decide upon it from the ample facts now in your possession, without the intervention of any other Court of Enquiry, or of a Court-martial.

Any proposition of this kind, at the time when you sent out your former orders, either those by Mr. Whitehill, in the month of June, or the subsequent orders by Mr. Rumbold, in the month of July,

1777.

1777, I admit, would have been improper ; because, at these periods, the knowledge of facts was not sufficiently attained, nor could you then conjecture what consequential mischiefs had arisen, or might arise in the interval between the time of arresting Lord Pigot in August 1776, and the time at which the new government should be established by the orders then sent out ; neither could, you know, and much less judge, what Colonel Stuart's conduct had been, or might be, in that interval.

But now that all these things are past, that they are become historical facts, not matters of speculation, it has occurred to many impartial and judicious persons, that it would be highly proper if you, Gentlemen, would now enter into the consideration of this matter, and that the circumstances of Colonel Stuart's case, as well as the situation of affairs in India, do in reality make it requisite and suitable, that you should, from the full materials in your possession, take it upon yourselves at this time, to decide upon his conduct.

In the general letter from your Governor and Council at Madras, dated 14th of March, 1778, brought home by the Duke of Kingston, paragraph 6th, they tell you, " that the questions involved in " General Stuart's case, were such as no authority *in that country* could " properly decide." In the 9th paragraph of the same letter, where they state the inutility of a Court of Enquiry, for ascertaining facts upon evidence, they give the following reason for being of that opinion, " Because in regard to facts, we apprehended that the records of the " Company were *already sufficiently explicit* for all the purposes required ; every part of General Stuart's conduct is there set forth by " his own acknowledgment, or the testimony of others, and that apparently in the fullest and most circumstantial manner."

In paragraph 10th, of the same letter, after mentioning that Lord Pigot was arrested by an order under the signature of George Stratton, Esq; Sir Robert Fletcher, Henry Brooke, Charles Floyer, Archdale Palmer, Francis Jourdain, and George Mackay, Esqrs. they tell you

expressly, " *that General Stuart appears to have done nothing in this transaction, independent of that authority which gave him the order;*"—and in the course of the same paragraph, they clearly express to you their opinion, that the merits of General Stuart's case must turn upon the *legality* or *illegality* of the orders and authority under which he acted; and that this being a question of so nice and important a nature, they did not think themselves competent to form a judgment upon it.

Are not all these very strong and powerful reasons for you, Gentlemen, in the direction of the East-India Company's affairs, to relieve the Government and Council at Madras from the difficulties which have prevented their acting in this business, and to take upon yourselves the immediate decision of it?

It appears from the opinion of the Governor and Council at Madras, and from the circumstances of the case itself, that it needs not be a matter of long discussion, nor attended with much difficulty to decide *what relates to Colonel Stuart* in this business.

If it be true, as stated in the letter from the Governor and Council at Madras, that he did nothing independent of the authority under which he acted, then Colonel Stuart must unquestionably be free from blame for his obedience to these orders, provided you shall be of opinion, that the powers of Government were in the *Majority of Council*, who issued them.

But even though you should be of opinion that the legal Government was vested in the Majority of Council, I beg leave to observe it might still remain a *separate* and very *different question*, Whether that Majority acted *properly* or *improperly*, *wisely* or *impolitically*, in issuing to Colonel Stuart an order for putting them in possession of the Fort-house, garrison and fortrefs of Fort St. George, and for arresting Lord Pigot?

But this is a question with which Colonel Stuart, who was no Member of Council, who issued no order, but obeyed only the orders

which others had issued, can have no earthly concern; the responsibility for that measure resting totally with the *Majority of Council* and the *Commander in Chief*.

It is, therefore, by no means, as has been generally and erroneously supposed, a *common cause* between Colonel Stuart and the Majority of Council; their cases stand upon a different footing, and may be decided upon a different principle.

This distinction betwixt his case and that of the Majority, seems to have occurred to the Governor and Council at Madras, who, in their letter to the Supreme Council in Bengal in August 1777, express themselves thus: " We think it necessary to observe with respect to " Brigadier-general Stuart, whose situation in the late transactions *was* " *peculiar,*" &c.

In the proceedings at Madras, Colonel Stuart himself has very carefully separated it; nor will your deciding upon *his case*, by itself, imply your approbation of the *policy* and *discretion* of the Majority of Council who issued those orders under which Colonel Stuart acted.

Permit me now, Gentlemen, to take the liberty of reminding you that, besides the more ancient and unrepealed orders and instructions for regulating the constitution in your Settlement at Madras, you have yourselves sent out by Mr. Whitehill, in June 1777, fresh orders and instructions on this subject, express and unambiguous; by which you have not hesitated to declare, that the legal Government of Madras is vested in the *Majority of Council*,—as the Majority of Council who issued the orders to Colonel Stuart, contended it was.

Before therefore it can be your opinion, that any man acting in obedience to the orders of the *Majority of Council* acted illegally, you, Gentlemen, must determine that the Government of Madras in its principles, and construction, was different in the year 1776, when Colonel Stuart acted, from what you have *since* decided it to be in the year 1777.

But

But should there be any reasons for your wishing to avoid, or to delay giving an express opinion upon a point on which it seems already to be so strongly implied, there still remains a distinct and sufficient ground for proceeding to final determinations in Colonel Stuart's case, from the circumstances which are peculiar to it, and which are not connected or involved with the case of the Majority of Council.

Because, supposing the pretensions of the Majority of Council to the powers of government not to amount to a clear and indisputable right, still on the lowest estimation of these pretensions it must be admitted, that it was at least a doubtful point, whether the *legal government* belonged to the Majority, or to the President and Minority of Council at Madras; for certainly no person acquainted with the nature of the constitution at Madras, or with the state of opinions upon this point in your settlement there, will pretend to say, that it was a clear and indisputable point, that the Majority of Council was *not* the legal government.

Taking it then as a doubtful point only, whether Colonel Stuart was bound to obey the orders of Lord Pigot and the Minority of Council, or those of the Majority; surely it could not with justice be maintained, that he was culpable, because he obeyed the authority of the latter, in preference to that of the former, especially as there was this additional reason for his doing so, that his Commander in Chief, Sir Robert Fletcher, was one of the persons who signed the order which Colonel Stuart obeyed.

If it could be supposed that the weight of the civil authority was so equally poised as to produce doubts on which side it preponderated, can it be matter either of wonder or of blame, that a military man, formed by his education to obey rather than to investigate, should allow on so even a balance, and in a discussion of so much nicety, the concurring commands of his superior officer to turn the scale?

If in this particular point Colonel Stuart stood in need of further justification, it ought to be of no small weight that the Supreme Council

Council in Bengal unanimously declared the *legal government* at Madras to be vested in the Majority of Council.—The question therefore may, without impropriety, be put by Colonel Stuart, At what period could he possibly suppose that the Majority of Council was *not* the legal government? That it was so in the year 1776, before, and subsequent to the disturbances, is clearly declared by the Supreme Council in Bengal, uncontradicted by any declaration or opinion on your part; and that it was so in the year 1777, is as clearly declared by the positive instructions which the East India Company sent out by Mr. Whitehill.

Neither can I prevail upon myself, even circumstanced as I am, to throw out of this question, the opinion and assertions of Colonel Stuart himself, which have been uniform and strong, that the *legal government* which he was bound to obey, was according to his private judgment vested in the *Majority of Council*, the sincerity of which opinion I shall endeavour to prove from his conduct, and by examining whether there was any object of interest in prospect, or attained by him, by means of the part he took in the convulsions at Madras in August 1776.

Colonel Stuart went out to Madras, second in command, and with the command in chief assured to him, and the rank of Brigadier-general, upon the death, removal, or resignation of Sir Robert Fletcher, who, at the time of these disturbances, in August 1776, was in so bad a state of health, as to be thought past recovery; and he died soon afterwards, in December 1776.

The only thing, therefore, that was likely to prevent Colonel Stuart's attaining the Command in Chief, the first wish of a military man, and the very object for which he entered into the service of the East India Company, was any disturbance or confusion in the government at Madras, that might in its consequences defeat the effect of the appointment which he carried out with him to India.

It was easy to foresee, that the division of the Council into two opposite parties, each of which, pretending to be the legal government, would

would of course require an implicit obedience from Colonel Stuart; was the thing in the world most likely to produce such confusion, and an unfortunate alternative for him personally, which might prove fatal to his expectations.—It was a *crisis*, which, instead of promoting, every man of any degree of understanding, or even of ambition, both of which Colonel Stuart's enemies are so obliging as to allow him, would, in his situation, have been at the utmost pains to avert.

Upon the same day, the 23d of August, each party made an offer to Colonel Stuart of the command of the army; there was however this material difference, that the command offered to him by the Majority of Council, the party which he obeyed, was only the *temporary command* during the indisposition of Sir Robert Fletcher; whereas the offer by Lord Pigot and his friends, who had put Sir Robert Fletcher under arrest, with a view to his being tried by Court-martial for mutiny and sedition, was the complete and immediate command of the army, without any limitation of time.

It is evident, therefore, that the part which Colonel Stuart acted in this disagreeable alternative, was that which, according to all the rules of self interest, was the least likely to be beneficial to him.

I go farther, and say, that to be brought to such an alternative at all, was a thing so evidently unfortunate, for any man placed in Colonel Stuart's situation, that it excludes the possibility of supposing that he could be a party, or in the smallest degree concerned in any scheme or plan to produce the disturbance and convulsion which happened at that time, unless we suppose him to have been void of every degree of common understanding or attention to his own interest.

Nay, if he had foreseen even the chance of such disturbances, and could have removed himself to the remotest part of India, until either the one party or the other had got clearly the ascendant, that would have been a much more judicious and beneficial plan than putting himself in the way of receiving, or being under the necessity of obeying, the orders of either.

But

But it will even be said, perhaps, for there have not been wanting those who have ventured to insinuate it, that though Colonel Stuart took the part, which to all appearance was the most against his interest, yet there were certain secret means of counterbalancing to him the disadvantages and hazards to which he was exposed;—in short, that he either had received, or was promised by the *Nabob of Arcot*, or by those connected with him, such pecuniary presents as were sufficient to compensate any losses and disadvantages he might sustain in other respects.

If those who have permitted themselves to make such insinuations, for they have never amounted to open assertions, can shew to your satisfaction, Gentlemen, that Colonel Stuart, either directly or indirectly, ever received or was promised, either by the Nabob of Arcot, or by any other person, any sum of money or other reward, for the part which he took in obedience to the orders of the Majority of Council, I shall admit that he deserves the severest indignation of the Company; for my own part, it would completely put an end to every effort or endeavour from me, to support his cause, or in these supposed circumstances to vindicate the character or conduct even of a Brother.

But I have so thoroughly convinced myself (and from the strongest reasons) of the falsehood of the imputation, that however humiliating it may be, to enter into the vindication of one's friend upon topics of this sort, I most readily embrace the opportunity of putting to defiance, even the greatest enemies of Colonel Stuart, and of calling upon them, by every decent method of provocation, to shew, with any colour of probability, that he ever received or was promised any reward from any quarter whatsoever, for the part his duty obliged him to take in the disturbances at Madras.

When I had the honour of addressing you in April 1777, there was inserted in my letter, the copy of part of a private confidential letter, which I had then recently received from my Brother, which was in these words:

K

“ Before

“ Before I take my leave of you, my dear Brother, I shall beg
 “ leave to repeat what I have already declared to my friend, General
 “ Clavering, that as I hope for mercy, I never had any promise, nei-
 “ ther am I in possession or expectation of any private benefit what-
 “ ever, resulting from the change now brought about in this govern-
 “ ment.”

Such is the language of his most private and confidential letters to me, on the subject of the part he took, and though his assertions do not with me stand in need of additional confirmation, yet from a variety of concurring circumstances, I have every reason to place complete reliance on the sincerity and truth of what he has so solemnly asserted.

Another charge, of an injurious nature, has also been very industriously circulated against Colonel Stuart, that he was so closely linked with the Majority of the Council, as to have embarked in the indiscriminate support of all their measures. But I can undertake to demonstrate, that Colonel Stuart, so far from being a man of faction or of party, has conducted himself in such a manner as to belong to no party or particular description of men in India.—He has endeavoured, according to the best of his judgment, to promote the general interests of the Company, both in their civil and military affairs, and, making that the rule of his conduct, his support either to one party or another, has been regulated by the notions he entertained of the tendency of their measures to the public utility.

Sensible that this assertion ought to be supported by strong and unambiguous proofs, Colonel Stuart appeals to the consultations and records of the Madras Presidency, in your possession; and he has repeatedly pressed upon me, to request your particular attention to these authentic proofs of the impartiality and independency of his conduct, and of his acting from his own judgment, unconnected with any particular party, and frequently differing from all parties.

Colonel Stuart's opinions, inserted in these consultations and records, since the time that he had a seat and voice in Council, will likewise
 show

show that he held this ~~conduct~~, equally with respect to the European, and the Asiatic disputes; not only when they related to questions agitated amongst your own servants, but to the measures proper to be pursued, in what respected the opposite or rival interests of the *Nabob* of *Arcot*, and the *Raja* of *Tanjore*.

If then I have cleared Colonel Stuart's conduct from the suspicion of either producing or fomenting the disturbances at Madras, or of acting from interested motives on that occasion; if I have shewn that he merely gave obedience to orders which his sense of duty compelled him to obey, though contrary both to his real and apparent interest; —if it has been made evident, that no share of responsibility for the measures which he carried into execution could justly be allotted to him, and that he executed those measures in the manner of all others the best calculated for the peace and security of the Settlement, as well as for the preservation of Lord Pigot, and the lives of other individuals; What obstacle can there possibly be to prevent the entering upon an immediate consideration of Colonel Stuart's case, either connected with, or distinct from, that of the Majority of Council, as you shall prefer?—And is there not sufficient ground to justify me in concluding, that the very peculiar circumstances of the case must dispose you, Gentlemen, to adopt the mode best suited for giving the most speedy and effectual redress to Colonel Stuart, who being an officer of no inconsiderable rank in your service, is therefore particularly entitled to your protection, and who considers himself as authorised, to complain that he has been injured and misrepresented?

After having trespassed so long upon your time, it is but too evident how much I stand in need of your indulgence; the various topics necessary, not only to be touched, but enlarged upon, in this address,

have imperceptibly encreased it to a length, beyond what I was at first aware of, and far beyond what I intended.

To state facts, upon which no opinions have been formed, is not, perhaps, a very difficult task, nor does it require much detail; but to state them, so as not merely to convey information, but to remove the prejudices which have been already conceived, and taken root, demands a much greater degree of particularity and minuteness, and is a very different undertaking.

That prejudices should have arisen in consequence of the first accounts brought to this country, of the convulsions at Madras, I have no right to be surpris'd; the first accounts of any, and especially of any distant transaction, are seldom the most correct; but besides this, every man, whose fate it is to act upon critical and important occasions, must not only submit to have his conduct freely canvass'd and criticis'd, but when the various interests of many different persons have been affected, must further expect to undergo a great degree of prejudice and calumny.

From the first moment that the accounts reached this country, of the events which had happened at Madras, I have ever sincerely lamented them; an apprehension that the public interest might be affected, would of itself have been sufficient to make me regret them. To this, however, has been added a particular concern on account of the animosity which it was easy to foresee would be excited against my Brother, from the part which had been allotted to him at that difficult *crisis* of your affairs.

It was obvious, that whether blameable, innocent, or meritorious, Colonel Stuart would inevitably be involved in many disagreeable contests, that he would be expos'd to the resentments of at least one party, and to a variety of attacks and aspersions upon his character and conduct.

It has therefore fallen to my lot to answer those attacks, and to endeavour to remove the prejudices occasioned by those aspersions which

which have been thus ~~thrown out~~ against an absent Brother, who, it must be confessed by every one, has at least been unfortunate; and perhaps those who have attentively perused this narrative, may by this time be of opinion that he has been severely and unreasonably persecuted.

In performing the painful task which has fallen to my share, I am apprehensive that an over anxiety, lest some fact should be omitted, or some reasoning too slightly enforced, may imperceptibly have led me into the repetition of what had been already said, or the addition of what was unnecessary.

For the imputations against Colonel Stuart have assumed so many different forms, and been extended to so great a variety of particulars, that I have necessarily been obliged to investigate every ground upon which the attacks against my Brother had been founded, though many of them were such as in ordinary cases might have been thought of too trivial a nature to demand attention, and much less to require a serious refutation.

I am sensible of this disadvantage, and of having been led by Colonel Stuart's adversaries into the discussion of so many and such minute particulars, the exact recollection of which I fear will be thought to require too great and painful an effort of the attention.

For the assistance therefore of those who from duty or from curiosity may be led to peruse this narrative, if it were not adding to the length of it, already too long, I should be inclined shortly to resume all the material facts and propositions established in the course of the preceding enquiry;—without, however, engaging in that extensive plan, I shall beg leave only to recal to your memory some of those facts and propositions which are the most essential, and the least incumbered with uninteresting and minute circumstances.

It is a fact, which will not be disputed, that the most uninterrupted peace and security have prevailed in your settlement at Madras, notwithstanding

withstanding the temporary dissensions in the month of August 1776; and it is admitted, that while these dissensions were at their greatest height, even at that very critical period, not one life was lost, nor the least personal injury sustained by any individual in the Settlement, whether that individual was a favourer of Lord Pigot, or took part with the Majority of Council.

It has always been thought a ground of merit for an officer charged with the execution of an order of a very hazardous and difficult nature, that he had accomplished the objects of that order without the loss of lives; without any man being injured in his person or property; and without any tumult or confusion in the community.

This merit has been universally allowed to Colonel Stuart, and it has been uniformly the firm conviction of his mind, not only before, but since the arrest of Lord Pigot, that, if he had either supported his Lordship in opposition to the Majority of Council, united with the Commander in Chief,—or if in consequence of the orders received from that majority, he had attempted to seize the fort and garrison of Fort St. George, without the previous arrest of Lord Pigot;—or, finally, if that arrest had been attempted in a more public, or in any other manner than that in which it was accomplished;—the almost inevitable consequence must have been, the loss of lives, and involving the Settlement in all the horrors of a civil war.

Can it therefore, in the mind of any man, be longer a matter of doubt, whether Colonel Stuart has acted the part of a meritorious and faithful servant to the East-India Company?

If indeed there is any one who can be of opinion, that the orders which Colonel Stuart received from his superiors, civil as well as military, could have been carried into execution with less personal injury to Lord Pigot or his friends, or with less prejudice to the peace and security of the Settlement, such a person may have a right to think, that Colonel Stuart's interference was unfortunate, and that he was
unskilful

unskilful in the execution ~~of the orders~~ he had received; but still it would by no means follow that the obeying them was *illegal*, or a breach of duty on his part.

There is really, allow me, Gentlemen, to say it, something very singular and astonishing in the reception Colonel Stuart's conduct has hitherto met with.—Any man unacquainted with the circumstances of his case, and informed only of the outcry which had been raised against him, must have concluded, that the man persecuted with so much rage and violence had certainly involved some of your Settlements in civil war;—at least that he was accountable for many lives lost by the indiscretion of his conduct;—or, at the lowest estimation of his offences, that he had been guilty of disobedience of orders, both to the military and civil part of the legal and established government of Madras.

But the real facts have been precisely the reverse of all these atrocious and supposed delinquencies; and therefore, so far as relates to the material and solid interests of his Honourable Employers, it may now, I hope, without presumption, be assumed as a thing not to be controverted, that Colonel Stuart has acted the part of an obedient and faithful servant, attentive to the interest of his Employers; and that he is entitled to no small share of praise for the discretion of his conduct at that most critical period, in addition to his many acknowledged services in the military establishment, which his friends and enemies have equally admitted.

In such circumstances it almost exceeds belief, that he should have met with such an accumulation of misfortunes, hardships, and indignities; the mere enumeration of which has consumed many pages, and from the perusal of those parts of this narrative one obvious and very material reflection must arise;—that if he had been actually guilty of a crime of very considerable magnitude, he has already suffered more than would have been sufficient to expiate and atone for it.—Suspended——superceded——degraded from the first military command with severe marks of censure and displeasure, before any trial or enquiry

enquiry into his conduct.—~~These are~~ ^{These are} ~~calamities~~ ^{calamities} which affect both the honour and the interest of a military man, and are proportioned only to offences of great magnitude and clearly ascertained.

Afterwards when his trial by a Court-martial is ordered, no idea is entertained even of the *possibility* of his innocence, or of merit; contrary to all the usual maxims of justice and suppositions of humanity, which consider a man as innocent until he is actually proved to have been guilty.

No provision is made for redress to his honour or interest in the case of an honourable acquittal;—nothing seems to have been in contemplation but his guilt and the certainty of punishment.

Effectual care was indeed taken, that in all events, guilty or innocent, he should be punished by being deprived of that command, upon the faith of which he went to the other side of the globe; for the supercession of Colonel Stuart was not made temporary and dependant upon his acquittal, but whether tried or not, and whether acquitted or not, his command was given to another purposely sent from England, and in whom it was vested without any limitation of time.

Upon the whole, the treatment Colonel Stuart has met with amounts to this, that whether *guilty*, *innocent*, or *meritorious*, he is turned out of your service with marks of displeasure and disgrace, and the severity of his fate is increased by the height of the situation from which he is degraded; and is still further aggravated, by all this being inflicted upon him independant of any trial or enquiry into his conduct; when at length an order is sent to India for his trial, so earnestly solicited by him and by his friends, that trial which might have been the means of vindicating his honour, though care had been taken that it should not restore him to the command of the army, is expressly, and very unfortunately for Colonel Stuart, refused.

It would surely, Gentlemen, be trifling with the calamities of any man to say to him, We are bound, till you are tried, to act upon the presumption of your being guilty, and at the same time to refuse him that trial

by

by which alone he can ~~prove that he is innocent.~~—But it would be a mockery still more cruel to say, —We will grant you a trial;— you shall have the opportunity you want of proving your innocence;— but having proved it, you shall continue to be punished as you was before the trial, or even as if you had been proved to be guilty.

Though I profess the reasons of some of these steps taken with regard to Colonel Stuart do not appear to me perfectly obvious, I with most anxiously to have it understood, that nothing here said is intended to carry with it an imputation of blame upon past proceedings; but I mean only to urge what Colonel Stuart has suffered, from the tantalizing hopes of a trial, and the long delay of justice, as a foundation and inducement for your future favour to him.

The misfortunes which he has met with in your service have likewise occasioned other misfortunes, and produced a temporary disappointment of his well-founded expectations in his Majesty's service.

As you had before trial suspended Colonel Stuart, and, from entertaining some degree of doubt as to the propriety of his conduct, had directed that he should be tried by a Court-martial, *therefore* his preferment was put a stop to in the King's service in the general promotion of officers which took place last year, and though he was near the head of the list of the Lieutenant-colonels entitled to the benefit of that promotion, *thirty-two* Lieutenant-colonels, younger in the service, obtained the rank of Colonel, which was withheld from him.

This very mortifying disappointment happened to an officer whose merits in his Majesty's service are acknowledged——who in the course of last war filled some not unimportant situations——who acted as *Quarter-Master General* at the reduction of *Belleisle*——commanded a regiment at the taking of *Martinico*——and at the *Havannah* was selected to command the party which stormed the *Moro Fort*.

All these duties he is well known to have discharged, to the satisfaction of the several respectable commanders under whom he acted; with reputation to himself, and utility to the public.

If I am rightly informed, there have been few instances of officers, who when they first entered into the service of the East India Company, were as high in the King's service as Colonel Stuart, and who had the advantage of so much experience in military matters;—while these advantages were doubtless an inducement to you, Gentlemen, to adopt Colonel Stuart into your service; they likewise afforded him the flattering prospect that he should be capable of rendering such essential services in your military establishment, as would infallibly secure to him both your approbation and the permanency of his situation in India, and with that view he incurred a very large expence in fitting himself out in a manner suited to the rank he expected to hold there.

Upon a full and fair review of what has happened to Colonel Stuart since entering into your service, it would be difficult, I believe, to produce an instance of any man's having met with such a sudden change of situation, such a cruel disappointment of his hopes, and who has been involved in such a continued scene of disagreeable struggles and contests, as have fallen to Colonel Stuart's lot.

If I have been successful in shewing, that he never has deserved the imputations laid to his charge, and that on the contrary he has not only been innocent but meritorious; it surely must be an interesting reflection, that all these various hardships and severities have been inflicted upon an officer and servant of the Company, who has promoted the interests of his Honourable Employers, and of the State in general, not only by the part he acted during the time he had a seat and voice in Council, but likewise by his material improvements of your army in the Carnatic, and by a variety of the most beneficial regulations in his military department.

It is not for me to state at large and to expatiate upon his merits in these respects, but it may be permitted, especially when called upon in the defence of a Brother so injured and misrepresented, to appeal to your own records and informations from India, as well as to the
testimony

testimony of many officers and other gentlemen lately come from that part of the world and now in England, for the truth of what I assert.— From these various sources of the best and most authentic information it will appear, that Colonel Stuart, has, ever since his arrival in India, applied himself to the business of his military department there, with a degree of zeal, activity, and attention to œconomy, of which there are few examples; and that by his great vigilance and many improvements on the state of the army and garrisons in that part of India, he has put them on a most respectable footing, and fortunately at that period of time, when the Honourable Company and the State in general may probably derive the greatest advantages from his labours.

It is well known to have been a very favourite opinion of Lord Clive's, founded upon reason and a perfect knowledge of the subject, that in India, where the continuance of life and of health is much more precarious than in Europe, it was incumbent on the East India Company, always to be provided with more than one or two officers of experience fit for command, who, by having been resident on the spot, should not only have acquired a proper degree of local knowledge, but have overcome the inconveniencies which constantly attend Europeans upon their first arrival in that climate.

As the wisdom of this opinion of Lord Clive's, both from the reason of the thing itself, and from the great authority by whom it was recommended, will, I believe, be universally admitted, there may perhaps, after considering the opportunities Colonel Stuart has had of acquiring knowledge by several years residence in India, and after knowing what he has done, and was in the course of doing, in the military departments in the Carnatic, be some degree of regret on a future day, at the Company's having deprived themselves of his military talents and assistance, at a time when we are likely to be engaged in war both with the French, and with some of the country powers in that part of India.

It is however a justice I owe to my Brother's sentiments, contained in his private letters to me, to communicate to you, that he has assured me in the most solemn manner, and I believe he has made the same declaration at Madras, that although no earthly consideration will ever induce him so far to degrade himself as to act in peaceable times in any station inferior to that which he has already filled, or to accept of any situation inconsistent with what he owes to himself, and to his rank and services; yet, in the event of actual invasion of the country, by the French or other enemies, that he will, even during his suspension, offer his services in any way, however subordinate, in which they can be deemed useful to the interests of the Company.

In the course of the preceding narrative there is one thing, Gentlemen, which, independent of the propriety or impropriety of Colonel Stuart's conduct in other respects, cannot possibly have escaped observation, that upon all occasions and whenever an opportunity has occurred of testifying his respect for the orders and authority of his Honourable Employers, he has afforded the strongest proofs of that proper sense of duty which has influenced the whole of his conduct.

Instead of acting the part allotted to him by the injurious predictions of his adversaries, he has distinguished himself by his zealous endeavours to promote the establishment of good order in your Settlement, and by the most implicit obedience to the will and pleasure of the Honourable Company, even in those instances where that obedience must have been extremely mortifying to him; and I take it for granted that it is unnecessary to observe to you, that his conduct in these respects has both merited and actually obtained particular approbation from the Government at Madras, which succeeded to that of the Majority of Council.

You have also had occasion to observe, that the whole of his conduct, during the critical and important situation of affairs at Madras in the month of August 1776, had received the strongest marks of approbation from the Supreme Council in Bengal, to whom a superintendency

over your affairs in India was delegated by the authority of Parliament.

Thus the Council of Bengal, who had authority to judge of Colonel Stuart's conduct, has *positively approved* of it.—It has not been *positively condemned* or *disapproved* by any who had such competent authority; at most it has only been *doubted upon*, and even these doubts have not extended to the whole of it; for there are very few indeed who scruple to allow him merit for preventing the mischiefs which must have attended his executing in a violent manner the orders he had received, and it is generally agreed that he was in no degree responsible for these orders.

Permit me now, Gentlemen, to renew my request for your adopting such immediate and effectual measures, as may speedily decide upon my Brother's conduct, and regulate his future expectations.

It is in your power to give the wished-for redress, by one or other of the two modes which have been already pointed out: The first is by peremptorily ordering his trial by a Court-martial, without any discretion left to your servants in India to grant or refuse it; and if that mode is adopted, I trust, for the reasons already given, that your order for his trial will be accompanied not only with your determination upon the point respecting the *legal government* at Madras, in August 1776, but also with instructions to your Governor and Council of Madras as to the particular redress Colonel Stuart is to meet with in the event of an honourable acquittal.

Or his conduct may now, as it appears to me with still greater propriety, be decided upon from the ample proofs in your possession, which have been shown to be sufficiently explicit to enable you, Gentlemen, to enter upon the consideration of at least Colonel Stuart's case, and to come to some final resolution founded upon solid grounds.

If the present state of suspense and inactivity with regard to Colonel Stuart were to be further continued, it is impossible that complete justice

justice can be obtained either for or against him; he can neither be punished nor rewarded properly.

If he shall be found to have transgressed his duty, I shall certainly have no right to complain of his punishment.—If he shall be found only to have performed it, the most zealous of those friends of Lord Pigot, whom I am sorry to consider as in any degree adversaries to Colonel Stuart,—even the Brothers of Lord Pigot, I am persuaded, not from any actual communication with them, but from the known liberality of their characters, would be the first to wish that Colonel Stuart was acquitted.

Though these unhappy disputes at Madras have unfortunately rendered us opposite in this contest, there is one predicament in which our situations are the same;—we have in common the feelings of a Brother, and of course the same anxiety and solicitude where a Brother's character and estimation are at stake.

It has been the sincere and fervent wish of Colonel Stuart, since the moment that he heard of doubts being entertained as to the propriety of his conduct, that a trial by a Court-martial should take place.—In all the different stages of this business he has been uniform in that wish.—When first a Court-martial was held out to him as a threat, he defied it;—when afterwards he had reason to expect it, he declared the highest satisfaction;—and ever since it has been denied him, he has been incessant in his expressions of the strongest regret.—His preference of this to any other species of trial, is because he esteems it to be the most effectual and suitable mode for a military man to wipe off every ill-founded aspersions.

It is without any authority from my Brother, that I have ventured to propose the other mode of redressing his grievances, by taking his case into your own immediate consideration.

This idea has been suggested to me principally from the refusal of the reasons given by your Governor and Council at Madras, for refusing the trial by a Court-martial.—They have said distinctly, that Colonel Stuart

Stuart has done nothing independent of the authority under which he acted,—have intimated that the *legality* or *illegality* of that authority must be declared before any trial can proceed,—and have informed you, that the circumstances of his conduct are sufficiently ascertained by the records in your possession.

It further became evident to me, that to a person in Colonel Stuart's situation, any additional suspense and delay, is in reality a very solid and a severe degree of punishment,—and a trial by a Court-martial, upon the spot where the transactions happened, and there I maintain it can alone be held with justice to Colonel Stuart,—or a trial either by a Court-martial, or by the Courts of Law in England, which would require evidence to be brought from India, must certainly be attended with the greatest delay, besides many other unavoidable inconveniences.

Having mentioned a trial by the Courts of Law in England, I beg leave once more to recur to an observation that can never be too often repeated, or too strongly inculcated, that the only thing for which Colonel Stuart can be responsible, is the *Execution* of the orders he received from the Majority of Council; and indeed, independent of the interest which Colonel Stuart must always take in the prosperity of the East India Company, it is immaterial to him whether the orders were *right* or *wrong*; in either case he thinks himself equally entitled to some degree of merit:—if they were *beneficial*, he thinks that he has increased these *benefits*; if they were *mischievous*, that he has diminished those *mischiefs* by his discretion and temper in the execution of them.

In the course likewise of my collecting and arranging the particulars of Colonel Stuart's conduct, in answer to the charges thrown out against him, the practicability as well as the propriety and superior utility of his case being judged of and decided by you, Gentlemen, have become still more apparent.

Impressed so strongly as I now am with this opinion, I cannot help taking blame to myself in a considerable degree, for not having sooner collected and submitted to your consideration, the answers on the part of my Brother, to the imputations thrown out against him,—and I take this opportunity of assuring you, that notwithstanding the various reports, and some illiberal publications circulated to his prejudice, I have ever abstained not only from stating his case to his Honourable Employers, but from having any concern directly or indirectly in any of the publications relating to these Madras disputes; excepting only that I gave my assistance in collecting and arranging the materials lately published in relation to the proceedings of the Coroner's Inquest, which is merely a collection of authentic papers for the information of the public, upon these strange proceedings, without any reasoning upon them.

As I was fully persuaded that my Brother's trial by a Court-martial was to take place, in consequence of the orders you sent out by the Beiborough, I therefore thought it my duty not only to avoid giving you unnecessary trouble, but that it became me to abstain from any representation or discussion of his case, while there was so much reason to expect that it was in the course of being judicially ascertained, and reported to you in the most authentic manner by the Court-martial.

Besides the various concurring motives which I have already mentioned, and which induce me, though unauthorized by my Brother, to wish that the second mode, I have ventured to propose, should take place.—Besides the impartiality and candour with which I am confident, Gentlemen, you will discuss and decide upon Colonel Stuart's conduct and future expectations, there is this strong additional inducement for the preference to the second mode, that the delays which I have stated above, as inevitable in every other method of proceeding, will by this be avoided.

It

It is also a consideration which every body will admit, is extremely interesting both to Colonel Stuart and his friends, that besides the weight, which your *Authority* in the decision will carry with it in the world, it is in the Directors and Proprietors of the East-India Company alone that the *Power* resides, of giving redress to an injured officer and servant of the Company.

If, however, contrary to what I have taken the liberty of representing, it should appear to you, Gentlemen, that a Court-martial is the preferable method of proceeding, permit me most earnestly to request that the orders for that trial may be sent to India by the first dispatches.

The anxious wish of Colonel Stuart and his friends is, and ever has been, that every *Measure* should be adopted which may be the best calculated for a thorough examination of his conduct, as well as for throwing light upon the motives and the consequences of it, and that this should take place with the least possible delay;—what is most dreaded on his behalf is the continuance of his present situation, without either *Trial* or *Examination*.

And surely, Gentlemen, this anxiety for a speedy determination of Colonel Stuart's fate and future prospects cannot appear to you either unnatural or unreasonable.—If misfortunes like those which he has experienced would have been distressing to any man, it is not to be wondered at if they have been more peculiarly so to a military man, in whom a more than ordinary degree of sensibility is not only allowable but even commendable, upon every point that may affect his military rank, character, and estimation.

Is it therefore to be wondered at, if, after possessing the distinguished rank of Commander in Chief of your great army in the *Carnatic*, he should feel himself hurt and mortified at being degraded from that

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command,

command, in a time perhaps of the greatest exertion and activity;—and that, suspended as he still continues to be from your service, he should be waiting in India with the most anxious solicitude, your final resolutions concerning him.

This unexpected reverse, affecting to any officer, must be more deeply so to him, whose pride it was to have bestowed such indefatigable pains in putting not only your army, but your military posts in that part of India, on the most respectable footing; and to have introduced by his attention and example the strictest discipline into the service, while he at the same time acquired the confidence and attachment both of the Officers and soldiers.—He vainly flattered himself, that if, during his stay in India, the situation of public affairs should call for any military exertions, he could not have failed to acquire some degree of credit by the conduct of that army which he had disciplined and improved, and by the utility of the many military plans which he had formed.

But the situation in which he is now placed has put an end to all these hopes; he finds himself, untried and unheard, deprived of the opportunity of rendering services to the public, and instead of acquiring any additional credit to himself, left, from a train of unfortunate events, struggling against a torrent of calumny, to preserve that reputation and good name, which, till these unhappy disturbances, had upon no occasion been disputed.

These, Gentlemen, are the calamities, and this is the heavy load of injury under which he has so long laboured, and under which, even though you should enter into an immediate discussion of his case, he must still continue to labour, till the arrival of your dispatches in India; uncertain whether those dispatches will bring his acquittal,—a continuance of his punishment,—or a refusal to hear him.

It

It depends, therefore, upon your justice and humanity, Gentlemen, to put a period to a situation so severely mortifying to an officer, conscious of having exerted his best endeavours for the interests of his Honourable Employers.

I have the honour to be with great truth,

G E N T L E M E N,

Your most faithful and

obedient humble Servant,

Berkley Square,
22d December, 1778.

AND^w. STUART.

A P P E N D I X.

CORRESPONDENCE *between Lord BARRINGTON, Secretary at War, and Mr. STUART, in relation to his Brother, Colonel JAMES STUART.*

[Referred to in page 50 of the preceding Letter.]

From Lord Barrington to Mr. Stuart.

S I R,

Cavendish Square, 3d September 1777.

YOUR excellent knowledge of men and things will prevent your being surpris'd, or offended, that your Brother is not included in the promotion of Lieutenant-Colonels, advanced to the rank of Colonel, just made. This letter therefore is not intended as an apology, but as *an assurance, that full and perfect justice will be done to him hereafter, if his conduct in India resembles the rest of his conduct through life.* I depend on your giving him this assurance in my name; and am, with great truth and regard,

S I R,

Your most humble, and

most obedient servant,

(Signed) BARRINGTON.

Addressed thus:

*To Andrew Stuart, Esq,
Berkley-Square, London.*

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From

From Mr. Stuart to Lord Barrington.

My Lord,

Edinburgh, October 3d, 1777.

I Have received in this country the letter which your Lordship did me the honour to write to me lately. It was addressed to me in Berkley Square, but I had left London two or three weeks before that time; and by my moving from place to place, since my arrival in Scotland, it was a long time after the date before it reached me.

I cannot but feel myself under great obligations to your Lordship, for the kind attention which gave rise to that Letter. The intelligence of my Brother's being passed over in the late promotion would have been doubly distressing, if it had not been alleviated by the obliging manner in which you have been pleased to communicate to me this event; and by the assurances which you authorise me to impart to my Brother, of the full and perfect justice which is intended to be done to him hereafter.

Convinced, as I am most sincerely, of your Lordship's kind intentions towards my Brother, and having reason to be persuaded of your good opinion of him as an officer, and as a man, it would be most unreasonable in me to entertain any doubt, that whatever the appearances may be, no real hardship or injury is intended him. Still, I cannot help regretting exceedingly, those unfortunate incidents in India, which have made it appear necessary that such a marked exception should take place with regard to Colonel Stuart at this time.

The interest I take in what relates to my Brother, does not prevent my perceiving the reasons which might present themselves against his being included in the late promotion; it might occur, that as the propriety of his conduct, during the late convulsions at Madras, remains as yet undecided, and as he is to be tried by a *Court-martial* in that country, no mark of his Majesty's favour ought to be bestowed upon an officer in that predicament.

But I cannot divest myself of an apprehension, that this step, which from the best motives has been taken, for avoiding the appearance of partiality, approbation, or favour on the one hand, may be productive of very hard and severe consequences with regard to Colonel Stuart, from the appearance it holds out to the world; on the other hand, that his conduct in the Indian transactions has,

even before his trial in India, been judged of, and disapproved at home; and that in the estimation of his Sovereign, and his Majesty's Ministers, he stands already condemned.

The marked exception of Colonel Stuart from such a general promotion, as that which has now taken place, seems to me to authorise inferences to his prejudice, infinitely stronger, than any that could be made in favour of his conduct, from allowing his promotion in the King's service to take place according to the date of his commission, and as a matter of course, which would not have implied any mark of special favour towards him personally.

As the circumstances of this case are very peculiar, I beg your Lordship's indulgence for submitting them to your consideration.

Colonel Stuart has been for many years an Officer in his Majesty's service, and within these two years he entered, with the King's permission, into the service of the East India Company; it was his fate to arrive in India, in the Summer of last year, at a time when the dissensions between the Governor and Council at Madras had risen to a great height; and though the command of the army was repeatedly offered him by the Governor, it appeared to him to be his duty, as executive officer, and second in the military command, to obey the orders of the Majority of the Council, especially as his immediate commanding officer, Sir Robert Fletcher, was one of that Majority, who signed the orders given to him.

Whether Colonel Stuart acted right or wrong, or whether he was guilty of error in judgment, in the obedience he thus gave, and in the other steps of his conduct in India, is a matter which yet remains to be tried, and the cognizance of it belongs to the East India Company.

While these affairs are in dependence, and while the opinions of the public are much divided concerning the conduct of the principal actors on both sides, in these disturbances at Madras; it seems to be more equitable, that the conduct of an officer of many years standing in the King's service, should be favourably judged of, on account of his character and behaviour while in that service, if these were unexceptionable, than that the uncertain reports or representations of either party, during the heat of faction in the Indian civil commotions, should deprive him of the character so acquired, and of the rights accruing to him in his Majesty's service.

With regard to Colonel Stuart's character and conduct, during the many years he served, and in the various stations he has filled in the King's service, they are certainly not liable to any objection.

On the contrary, the stations in which he was employed, and the manner in which he acquitted himself of the confidence reposed in him during the last war, afford substantial proofs of his being considered as an officer of distinguished merit, particularly his services as Quarter Master General, at the reduction of *Belleisle*,—his behaviour at the taking of *Martinico*, where he commanded a regiment;—and at the taking of the *Havannah*, where he had the command, during the campaign, of a detached corps, and was afterwards selected to command the party which stormed the *Moro Fort*.

The inference made in many places from the exclusion of Colonel Stuart in the promotion now made is, that since his former services, military rank, and behaviour, have availed him nothing upon this occasion, the circumstances of his conduct in India must have been ascertained, and have appeared in the most unfavourable light to his Majesty's ministers, or to those in the management of military affairs; the consequence of which is, that while he suffers greatly in the opinion of the world in general, by this mark of displeasure and disapprobation, he goes to his trial in India, and to the trial of the other incidental questions connected with these Indian occurrences, under the disadvantage of a heavy weight of prejudices against him,—prejudices of the most dangerous nature, on account of the high authority by which they have the appearance of being established.

No person can be more thoroughly convinced than I am, that there was no intention on your Lordship's part, or in any other quarter, to inflict hardships of this nature upon Colonel Stuart; on the contrary I am persuaded, that the true motive of the late measure with regard to him was, that his trial might proceed free from prejudices, either for, or against him.

But as the prevailing opinion of many judicious and impartial persons, with whom I have conversed on this subject, is, that the tendency of the late remarkable exception of Colonel Stuart, from the recent promotion, must, in the circumstances of his case, be such as I have taken the liberty to mention, I thought it my duty to submit these things to your Lordship's consideration.

I shall only beg leave to add, that for my own part, I have the most complete reliance upon your Lordship's good intentions towards my Brother, and have no doubt that, agreeably to the assurances given, full and perfect justice is intended, and will be done to him; my principal anxiety at present is, that during the period which precedes the examination and trial of his conduct in India, there may be no prejudices hurtful to him, nor any appearance of his cause being prejudged.

From

From the beginning of these Indian disputes, all I have contended for has been, that my Brother should have a fair and impartial trial, and that while it was uncertain, whether he had acted a part that deserved censure or punishment, or on the contrary, had rendered meritorious service to the East India Company, and to the British government, no steps should be taken hurtful to his honour or interest.

His trial by Court-martial was my earnest request to the Directors of the East India Company, because when the conduct of an officer is attacked, his honour requires this mode of trial; but there is perhaps some reason to consider it as an unusual degree of hardship that the following steps should precede that trial.

FIRST. The suspension of Colonel Stuart during six months in consequence of the orders of the Directors of the East India Company, which by many people is esteemed of itself a degree of punishment before trial, and at the same time likely to create prejudices against the person to be tried. †

And SECONDLY. That now he has further to contend with the prejudices arising from the marked exception that has been made of him in his Majesty's service, where, though almost at the head of the list of those Lieutenant Colonels who could receive benefit from the late promotion, *thirty two younger Lieutenant-colonels* have received that rank which has been denied to him.

It is not in the disposition of complaint, or in any degree of bad humour, that I have presumed to state these things; but from a desire to submit them to your Lordship's serious consideration, and in the full persuasion, that your candour and equity will discover the best remedies for these hardships, if they shall appear to you to have any real foundation.

And I beg leave to assure your Lordship, that I should not have troubled you with them, if I were not in my own mind thoroughly convinced that promoting Colonel Stuart in common with others of his rank, at a time when such a general measure was taken, could not be considered, either as an instance of partiality or approbation of his conduct in India, but as a natural consequence of his rank and behaviour in the King's service, to which alone such promotions are applicable.

The withholding this preferment, which is considered as a matter of course where there is no criminality, is liable to be interpreted as what I am sure it was not meant, a decision against Colonel Stuart's conduct in India; and that decision will be supposed to proceed upon proofs that have not reached the public, because it will not be supposed, that without such proofs an officer of tried and approved merit in the line of his profession, should be set aside for a mo-

ment, against the just and established presumption, which makes innocence presumed rather than guilt, until legal conviction puts an end to that presumption.

I beg your Lordship's excuse for giving you the trouble of reading so long a letter; but the duty which I owe to an absent brother, who, at the date of the last advices from him, was flattering himself with the hopes of public marks of approbation instead of punishments or marks of displeasure, made it appear to me unavoidable, and I hope will obtain for me your Lordship's pardon for trespassing so much upon your time.

I have the honour to be, with great truth and esteem,

Your Lordship's most faithful and obedient servant,

(Signed) ANDREW STUART.

qo

From Lord Barrington to Mr. Stuart.

S I R,

Beckett, 16th October, 1777.

I Am to acknowledge the honour of your letter, dated the 3d instant. The polite candour with which it is written claims, and has my best thanks. The matter it contains, I think, may be discussed in conversation better than by letter; I will therefore, with your permission, defer entering into it till we meet. In the mean time you are at liberty to make any use which your prudence and brotherly affection can suggest of the letter I first wrote to you, after the general promotion of Lieutenant-colonels by Brevet. I am, with great truth and regard,

S I R,

Your most obedient humble servant,

(Signed) BARRINGTON.

Addressed thus :

*To Andrew Stuart, Esq,
Berkley-Square, London.*

